

Article - Alcoholic Beverages

§1-101.

(a) (1) It is the policy of the State of Maryland that it is necessary to regulate and control the manufacture, sale, distribution, transportation and storage of alcoholic beverages within this State and the transportation and distribution of alcoholic beverages into and out of this State to obtain respect and obedience to law and to foster and promote temperance.

(2) It is the legislative intent that that policy will be carried out in the best public interest by empowering the Comptroller of the Treasury, the various local boards of license commissioners and liquor control boards, all enforcement officers and the judges of the various courts of this State with sufficient authority to administer and enforce the provisions of this article.

(3) The restrictions, regulations, provisions and penalties contained in this article are for the protection, health, welfare and safety of the people of this State.

(4) It also is the policy of the State to tax alcoholic beverages as provided in the Tax – General Article, and to deny to any political subdivision in this State the power or authority, either by public general law or by public local law, to impose any tax on distilled spirits, beer, wine and all other alcoholic beverages on and after July 1, 1955.

(b) (1) It continues to be the policy of this State to authorize the exercise of the powers and authority provided by this article for the purpose of displacing or limiting economic competition by regulating or engaging in the sale or distribution of alcoholic beverages or both in order to obtain respect and obedience to law, to foster and promote temperance, to prevent deceptive, destructive, and unethical business practices, and to promote the general welfare of its citizens by controlling the sale and distribution of alcoholic beverages.

(2) The officials and agencies granted powers and authority by this article to regulate and engage in the alcoholic beverages industry may displace or limit economic competition by regulating and engaging in the sale or distribution of alcoholic beverages or both on an exclusive basis as provided in this article and may adopt and enforce regulations authorized by this article notwithstanding any anticompetitive effect.

(3) The powers granted to any official or agency pursuant to this subsection may not be construed:

(i) To grant to the official or agency powers in any substantive area not otherwise granted to the official or agency by other public general or public local law;

(ii) To restrict the official or agency from exercising any power

granted to the official or agency by other public general or public local law or otherwise;

(iii) To authorize the official or agency or officers of the agency to engage in any activity which is beyond their power under other public general law, public local law, or otherwise; or

(iv) To preempt or supersede the regulatory authority of any State department or agency under any public general law.

§1-102.

(a) (1) In this article the following words have the meanings indicated.

(2) (i) “Alcoholic beverages” means alcohol, brandy, whiskey, rum, gin, cordial, beer, ale, porter, stout, wine, cider, and any other spirituous, vinous, malt or fermented liquor, liquid, or compound, by whatever name called, which contains, except as provided in subparagraph (ii) of this paragraph, one-half of one percent or more of alcohol by volume, which is fit for beverage purposes.

(ii) “Alcoholic beverages” does not include a confectionery food product that contains up to 5 percent of alcohol by volume and is regulated by the Department of Health and Mental Hygiene under § 21-209 of the Health – General Article.

(3) (i) “Beer” means any brewed alcoholic beverage.

(ii) “Beer” includes:

1. Beer;
2. Ale;
3. Porter;
4. Stout;
5. Hard cider; and
6. Alcoholic beverages that contain:

A. 6% or less alcohol by volume, derived primarily from the fermentation of grain, with not more than 49% of the beverage’s overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol; or

B. More than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5% of the beverage’s overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol.

(4) (i) “Club” means an association or corporation which is organized and operated exclusively for educational, social, fraternal, patriotic, political or athletic purposes and not for profit.

(ii) In Allegany County the Board of Alcoholic Beverages License Commissioners shall be the judges of whether such an establishment is operated in good faith within the meaning of this subsection.

(5) “Comptroller” means the Comptroller of the Treasury of the State.

(6) “Consumer” means any natural person 21 years old or older, or any corporation not otherwise interdicted by this article or any other law of this State, who buys, possesses, keeps or transports alcoholic beverages upon which the taxes provided by the tax provisions of Title 5 of the Tax – General Article have been paid, for the person’s own use and not for sale.

(7) “Court” means the circuit court of a county or any judge of a circuit court.

(8) “Family beer” means homemade beer produced for home consumption and not for sale and includes beer produced at a licensed family beer and wine facility.

(9) “Family wine” means homemade wine produced for home consumption and not for sale and includes wine produced at a licensed family beer and wine facility.

(9–1) “Hard cider” means a beverage derived primarily from apples, apple concentrate and water, pears, or pear concentrate and water, containing no other fruit product, and containing at least one–half of 1% and less than 7% of alcohol by volume.

(10) (i) “Hotel” means an establishment:

1. Which accommodates the public;
2. Which is equipped with not less than ten bedrooms and a dining room with facilities for preparing and serving regular meals; and
3. In which the average daily receipts from the hire of rooms and the sale of foods exceed the average daily receipts from the sale of alcoholic beverages.

(ii) The board of license commissioners in any county or in Baltimore City, and the Mayor, Counselor and Aldermen of the City of Annapolis, may by regulation prescribe a different standard as to what constitutes a hotel.

(iii) The requirements of this subsection relating to average daily receipts are not applicable to any licenses issued in Cecil County.

(11) (i) “Illicit alcoholic beverages” means any alcoholic beverages which

have been manufactured, bottled or rectified within this State on any premises other than a premises licensed under this article, or which have been manufactured, bottled or rectified outside of this State on any premises other than a premises licensed under the United States Internal Revenue Code or the laws of a foreign country.

(ii) Any alcoholic beverages found in any container without a regular label which truly describes its contents and which states the true name of the importer, manufacturer, bottler or rectifier are presumed to be illicit alcoholic beverages. However, the presumption does not apply to any alcoholic beverages found:

1. In drinking glasses or other similar open containers for drinking purposes;

2. In home-type decanters found in a dwelling house or in a punch bowl or other receptacle of a similar nature, if found under circumstances which indicate that the alcoholic beverages contained in the receptacles are intended for consumption on the premises by consumers and not for sale; or

3. In containers possessed by a proper retail alcoholic beverage licensee when the alcoholic beverages are premixed for lawful sale and consumption.

(12) “Import” means to transport or ship, or to order or arrange for the transportation or shipment of, alcoholic beverages into this State from any other state, district, territory or country.

(13) “Importer” means a person importing any alcoholic beverage.

(14) “In this State” or “within this State” means in or within the territorial limits of this State.

(15) (i) “License holder” or “licensee” means the holder of any license or permit, issued under the provisions of this article or of any other law of this State, and includes a county liquor control board and a county dispensary.

(ii) For the delivery and billing purposes of §§ 2–301(b) and 2–401(b) of this article, “license holder” or “licensee” also means a corporation on whose behalf an individual or individuals have obtained a license.

(16) (i) “License issuing authority” means:

1. For a State license issued under this article, the State Comptroller; and

2. For a local license issued under this article, the board of license commissioners or other local agency expressly authorized by this article to issue the license.

(ii) “License issuing authority” does not include a clerk of a circuit

court.

(17) “Light wine” means any naturally fermented wine containing not in excess of 15.5 percent of alcohol by volume.

(18) (i) “Local collecting agent” means:

1. In the City of Annapolis, the city clerk;
2. In Allegany County, Baltimore County, Howard County, Prince George’s County, or Wicomico County, the director of finance;
3. In Calvert County, Dorchester County, St. Mary’s County, or Somerset County, the treasurer of the county; and
4. In each other county, the board of license commissioners or other local agency expressly authorized by this article to collect fees under this article.

(ii) “Local collecting agent” does not include a clerk of a circuit court.

(19) “Local licensing board” means a board of license commissioners of a county or the Mayor and Aldermen of the City of Annapolis.

(20) “Manufacturer” means a person operating a plant within this State for distilling, rectifying, blending, brewing, fermenting or bottling any alcoholic beverage.

(21) “Person” means a natural person, an association, a partnership, a corporation, or a state, political subdivision, or municipality, or any agency or instrumentality of the State, any political subdivision, or municipality.

(22) (i) 1. “Restaurant” means an establishment:

- A. Which accommodates the public;
- B. Which is equipped with a dining room with facilities for preparing and serving regular meals; and
- C. In which the average daily receipts from the sale of foods exceed the average daily receipts from the sale of alcoholic beverages.

2. However the board of license commissioners in any county by regulation may prescribe a different standard as to what constitutes a restaurant.

3. Subject to subparagraph 4 of this subparagraph, for a restaurant in Baltimore City, the average daily receipts from the sale of food must be at least 40% of the total daily receipts of the establishment.

4. The Board of Liquor License Commissioners for Baltimore City may waive the food requirement specified under subparagraph 3 of this

subparagraph for a restaurant owned and operated by a not-for-profit organization in the area bounded by South Ellwood Avenue on the west, Bank Street on the north, South Bouldin Street on the east, and Fleet Street on the south.

(ii) In Baltimore City, the term “food” as used in the definition of “restaurant”, whether the definition is established by State law or by regulations adopted by the Board of License Commissioners, may not include any ingredient or garnish used with or mixed with an alcoholic beverage that is prepared and served for consumption on the licensed premises.

(iii) In Harford County a “restaurant” as used in § 5-201 and § 6-201(n)(9) of this article means a business establishment for the accommodation of the public, fully equipped with a proper and adequate dining room, tables, chairs and sufficient facilities for preparing and serving regular meals, as may be approved by the Liquor Control Board. The Board and Department of Health shall approve its sanitary facilities, running hot and cold water, equipment for the proper cleaning of dishes and kitchenware and adequate toilets. At all times there must be sufficient food on the premises for the regular serving of meals, with a proper sign or signs in front of the establishment designating “restaurant” or food and beverages sold, and not advertising any other business. In this establishment the average gross monthly receipts from the sale of foods cooked or prepared and served on the premises where the license is exercised, and other foods, commodities and items defined by the Liquor Control Board, shall exceed 50 percent of the average monthly receipts from the sale of beer and wine, except that a restaurant serving food and beverages whose gross monthly receipts from the sale of food averages \$1,500 or more may not be required to sell food and food commodities in excess of 50 percent of the average monthly receipts from the sale of beer and wine.

(iv) The requirements of this section relating to average daily receipts are not applicable to any licenses issued in Cecil County.

(23) “Retail dealer” means a person who deals in or sells any alcoholic beverage to any person other than a license holder, and includes a county dispensary.

(24) “Sparkling wine” means champagne or any artificially carbonated wine.

(25) “This article” includes provisions in the Tax – General Article derived from this article.

(26) In Baltimore City, “total daily receipts” does not include sales of novelty items, income from vending machines, or other receipts not resulting from the sale of food or beverages.

(27) (i) “Wholesaler” means:

1. A person who purchases or imports any alcoholic beverage for sale to wholesale or retail dealers only; or

2. A limited winery that sells wine to retail dealers.

(ii) “Wholesaler” includes a county liquor control board and a county wholesale dispensary.

(28) “Wine” means any fermented beverage, including light wines, and wines the alcoholic content of which has been fortified by the addition of alcohol, spirits or other ingredients.

(b) (1) In this article the following words have the meanings indicated within the specified subdivisions.

(2) In Anne Arundel County, “taxpayer” means an individual who owns real property in the individual’s own name, individually or jointly with others, and pays real property taxes to Anne Arundel County.

(3) In Prince George’s and St. Mary’s counties “taxpayer” means a resident who pays either real estate tax, income tax, or both.

(4) In Wicomico County, “bowling alley” means an establishment in which the primary business activity is to provide bowling lanes and bowling activities for the public, and which may be equipped with a dining room or snack bar area for the sale of food and beverages.

(5) In Worcester County, “taxpayer” means an individual who owns real estate in Worcester County in his own name, either individually or jointly with others, and actually pays real estate tax in Worcester County.

§1–103.

In any part of this article, where a statement of a general rule of law is followed by an exception or qualification applicable to special areas or to particular persons or sets of circumstances, the law as stated in the exception or qualification shall prevail over the general rule of law insofar as there is any conflict or inconsistency between the two.

§1–104.

If any portion of this article or the application thereof to any person or set of circumstances is held invalid by any court of competent jurisdiction and authority, the remainder of this article and its application to other persons and sets of circumstances shall not thereby be affected.

§1–201.

(a) (1) Alcoholic beverages may not be bought, possessed, stored, imported, transported, kept or suffered to be bought, possessed, stored, imported, transported or kept in any vehicle, vessel or aircraft or on any premises or under the charge or

control of any person except: (i) by a consumer, or (ii) by a licensee as provided in this article, or (iii) by a person under 21 years of age who has in the person's possession or is transporting alcoholic beverages for any lawful purpose with the knowledge and consent of the person's parent or guardian or incident to the lawful employment of the person as provided for in this article. However, this exception does not permit a person under the age of 21 to buy or consume alcoholic beverages, nor to possess, store, import, transport or keep alcoholic beverages for his own use, nor to buy, possess, store, import, transport or keep alcoholic beverages for any purpose in any county or Baltimore City where otherwise prohibited by this article or any other law of this State.

(2) A person may not sell, or suffer to be sold, or for the purpose of sale, transport, buy, possess, keep or suffer to be transported, bought, possessed or kept in any vehicle, vessel or aircraft or on any premises or under the person's charge or control any alcoholic beverages unless otherwise provided for in this article or the Tax - General Article.

(3) A person may not manufacture, blend, rectify, bottle or suffer to be manufactured, blended, rectified or bottled any alcoholic beverages except on premises licensed under this article unless otherwise provided for in this article.

(4) A person may not buy, bargain, sell, borrow, lend, manufacture, possess, transport or suffer to be bought, bargained, sold, lent, manufactured, possessed or transported any apparatus, materials, equipment, implements, devices or other personal property designed, used or intended for use directly or immediately in connection with the unlawful manufacture of alcoholic beverages. The apparatus, materials, equipment, implements, devices or other personal property shall be deemed contraband and may be confiscated and forfeited as provided in this article.

(5) Any vehicle, vessel or aircraft used with the express or implied knowledge, consent or permission of its lawful owner for the purpose of violating any of the provisions of this article relating to the unlawful manufacture of alcoholic beverages or which is used to transport, store or secrete illicit alcoholic beverages shall be deemed contraband and may be confiscated by the Comptroller or his duly authorized enforcement officers and may be forfeited as provided for in this article.

(b) (1) A license or permit is not required for the manufacture of family wine, beer, or cider exclusively for home consumption, competition, or use in a licensed national family wine exhibition and not for sale.

(2) In St. Mary's County, cider or native wines may be sold by their maker without a license.

(c) (1) A license or permit is not required in the case of:

(i) A common carrier, warehouseman or other lienholder exercising that lienholder's right to sell alcoholic beverages under a lien;

(ii) Any authorized county or Baltimore City official exercising the

official's right to sell certain confiscated alcoholic beverages as provided in this section;
or

(iii) Any sheriff, constable, receiver, auctioneer, trustee, attorney, executor or administrator selling alcoholic beverages under an order of court.

(2) Sales may only be made to a license holder, and if the purchaser is a retail dealer, the person making the sale shall pay the taxes imposed by § 5-102 of the Tax - General Article before delivery is made to the purchaser.

(d) Warehouse receipts covering alcoholic beverages on storage in public (including government controlled) warehouses in this State may be purchased or sold without a license or permit, but withdrawals or deliveries of those beverages may not be made in this State except to licensed manufacturers and wholesalers. The Comptroller may prescribe regulations covering warehouse receipt transactions.

(e) A license or permit is not required either of transport planes furnished with a cocktail lounge or of ships carrying passengers or cargo to a foreign port, in order to purchase alcoholic beverages from wholesalers or manufacturers, if satisfactory proof in writing is furnished that the beverages are for sale or use beyond the continental limits and possessions of the United States.

(f) (1) All alcoholic beverages and other contraband kept, possessed, used, sold, manufactured, stored or transported contrary to the provisions of this article are subject to confiscation and forfeiture, and when confiscated may be recovered or disposed of only as provided in this subsection.

(2) If any defendant is adjudged guilty of violating the provisions of this article any property in the defendant's possession or control seized as contraband shall be deemed immediately forfeited. Any property otherwise adjudged as contraband or otherwise in violation of the provisions of this article shall be deemed immediately forfeited. Where any property seized as contraband is unclaimed for 30 days subsequent to the date of confiscation and the property has not been destroyed as provided in this section, the property shall be deemed forfeited, except vehicles, vessels and aircraft which shall be deemed forfeited unless a claim is filed within 30 days subsequent to the date of publication provided for in paragraph (3) of this subsection.

(3) The Comptroller shall notify the registered owner where possible and shall publish notice in a newspaper of general circulation in the county, or Baltimore City, where seized, of any vehicle, vessel or aircraft confiscated under this article. The notice shall inform interested persons of the seizure and right to file a claim protesting the confiscation of the vehicle, vessel or aircraft.

(4) Any lawful lienholder, or other person showing a legal right, title or interest in confiscated property not destroyed as provided in this section, within 30 days of confiscation or, if the confiscated property is a vehicle, vessel or aircraft, within 30 days of publication of notice, may file a claim protesting the seizure with

the Comptroller. When a claim and protest is filed the circuit court for the county in which the property was confiscated shall proceed in rem to hear and determine the question of forfeiture.

(5) If the court determines any property is subject to forfeiture it shall also determine whether any lawful lienholder who has filed a timely claim and protest had knowledge of the intended unlawful use. If the court finds that knowledge then the lienholder's right, title and interest to the property shall likewise be deemed forfeited. If the court does not find that knowledge and the property is otherwise subject to forfeiture, it shall be forfeited and the Comptroller, as the Comptroller deems in the best interest of the State, may pay the outstanding indebtedness secured by the lawful lien and keep the property or deliver the property to the lienholder.

(6) Any property confiscated and forfeited under this article or the provisions of the Tax - General Article that relate to the alcoholic beverage tax shall become the property of the respective county or City of Baltimore in which they were confiscated, except that property confiscated by officers of this State shall become the property of this State. The Comptroller of the Treasury, the county commissioners or county councils of the respective counties, or the Mayor of Baltimore City, as the case may be, as they deem in the best public interest, shall retain for official use, sell, or otherwise dispose of the forfeited property. However, any lawfully manufactured alcoholic beverages forfeited to a county in which there is a liquor control board shall become the property of the liquor control board for that county and shall be sold by the county dispensaries in those counties. The proceeds from the sales shall be treated in the same way as the proceeds from ordinary sales made by the dispensaries. Illicit alcoholic beverages may not be returned or given to any person or otherwise disposed of except by destruction.

(7) An officer confiscating any unlicensed distillery or unlawful distillery materials, equipment or devices under circumstances which render it impractical or impossible to move them to a safe place of custody and storage, or confiscating any illicit alcoholic beverages, except that seized for evidence or forfeiture, shall forthwith destroy them only insofar as is necessary to render them unfit for further unlawful use and shall report the confiscation and destruction to the Alcohol and Tobacco Tax Bureau of the Comptroller of the Treasury of Maryland.

(g) A person may not remove or destroy or cause to be removed or destroyed any property which has been seized under this article or the provisions of the Tax - General Article that relate to the alcoholic beverage tax, or to prevent or attempt to prevent the seizure of any property by pouring out, breaking, destroying, removing or otherwise disposing of them, and any fluid poured out or otherwise disposed of when any premises, place or thing is searched or about to be searched shall be held prima facie to be an alcoholic beverage and intended for sale or other use in violation of this article or the Tax - General Article.

(h) An import-export permit is not required of any importer importing into this State alcoholic beverages for storage in public warehouses for subsequent shipment

outside this State and not for sale, consignment, or delivery to any person within the State, where the storage is in public bonded warehouses and is under customs bond.

§2-101.

(a) The Office of the Comptroller shall provide application forms for the permits listed in this section and applicants shall make application to the Office of the Comptroller. The procedure in issuing permits, the purchase of alcoholic beverages, and the exercise of the privileges granted under the various permits shall be subject to regulations promulgated by the Office of the Comptroller. The Office of the Comptroller may cancel, restrict, suspend, or revoke any permit.

(b) (1) (i) The Office of the Comptroller shall collect a fee for the issuance or renewal of the following permits:

1. \$50 for a solicitor's permit, an individual storage permit, a nonresident winery permit, or a commercial nonbeverage permit;

2. \$75 for a public storage permit, a public transportation permit, or an import and export permit;

3. \$200 for a public storage and transportation permit, a nonresident dealer's permit, a resident dealer's permit, or a bulk transfer permit;

4. \$400 for a family beer and wine facility permit;

5. \$200 for issuance or renewal of a direct wine shipper's permit;

6. \$100 for a common carrier permit;

7. \$100 for a winery off-site permit;

8. \$100 for a wine festival permit; and

9. \$100 for a brewing company off-site permit.

(ii) The Office of the Comptroller shall issue a nonbeverage permit without the payment of any fee for an eleemosynary or a fuel-alcohol permittee.

(2) (i) The permits issued pursuant to this section expire on October 31 following the date of their issue unless otherwise provided.

(ii) All nonbeverage permits do not expire until canceled or revoked.

(3) The fee for a change of domicile permit is \$5, and when issued shall cover only a specific transaction.

(4) The fee for an individual transportation permit is \$10.

(5) A bulk transfer permit shall cover only a specific transaction and shall expire 10 days from the date of its issue. If the time restriction of this permit would be an undue burden, the Office of the Comptroller may grant a reasonable extension of time.

(6) (i) The Office of the Comptroller shall prescribe a means of identification for each vehicle authorized under an individual transportation permit or a transportation or public storage and transportation permit. The identification shall be kept in or on the vehicle at all times when alcoholic beverages are being transported.

(ii) The fee for the identification is \$10 for each vehicle.

(7) The fee for a national family beer and wine exhibition permit is \$50.

(8) The fee for the nonresident storage permit is \$500.

(9) (i) The fee for an alcohol awareness program instructor's permit is \$5.

(ii) The fee for an alcohol awareness program permit is \$15.

(10) The fee for a private bulk sale permit is \$25 and shall cover the sale of a specific inventory of alcoholic beverages. The permit shall expire 60 days from the date of issuance. An individual or entity may be issued not more than two private bulk sale permits in any calendar year.

(c) (1) The holder of a nonbeverage permit may purchase alcohol and alcoholic beverages for use in compounding or manufacturing flavoring extracts; medicinal, antiseptic or toilet preparations, or for other similar purposes; for scientific or laboratory purposes; or flavoring food products; or for sale by druggists or apothecaries upon the written prescription of a qualified physician.

(2) The holder of a nonbeverage permit may not use, sell or deliver alcoholic beverages for beverage purposes or use, sell or deliver any product produced with alcoholic beverages which is fit for beverage purposes.

(d) The holder of a change of domicile permit may transport into this State the holder's private stock of alcoholic beverages, for personal consumption only, when the permit holder is changing his domicile into this State, provided the taxes levied by § 5-102 of the Tax – General Article have been paid to the Office of the Comptroller.

(e) The holder of a permit may transport the holder's private stock of alcoholic beverages from or en route through this State without the payment of the excise taxes levied under § 5-102 of the Tax – General Article, provided that the alcoholic beverages are not for use or delivery within this State.

(f) A person whose license has expired or otherwise has been discontinued,

within 60 days subsequent to the last day the license was effective, may apply to the Comptroller for a permit to authorize transfer with or without consideration whether by sale, gift, inheritance, assignment or otherwise of the stock of alcoholic beverages on hand as of that day. The permit authorizes the transfer only to a license holder, which shall be consummated within the period covered by the permit.

(g) (1) The permit authorizes the operation of a warehouse for the storage of alcoholic beverages for the accounts of other persons and for the transportation for the accounts of other persons of alcoholic beverages into, within, or out of this State.

(2) A permit may be issued for transportation or storage, or both.

(3) A license or permit holder need not have a transportation permit to deliver alcoholic beverages which under this article the licensee or permit holder is authorized to acquire, store, sell, or use.

(h) (1) The holder of an individual storage permit may establish a warehouse for the storage of alcoholic beverages in which title to the stored alcoholic beverages is vested in the permit holder.

(2) In Anne Arundel County all retailers shall have written approval from the Board of License Commissioners for the county before making application with the Office of the Comptroller for the permit.

(i) (1) A nonresident dealer's permit, for the purpose of selling beer, wine, or distilled spirits to Maryland licensees authorized to receive those beverages, may be issued only to:

(i) A brewer, distiller, rectifier, bottler, manufacturer, vintner, or winery;

(ii) A sales agent of one of those under subparagraph (i) of this paragraph, provided proof of that agency is presented to the Office of the Comptroller;

(iii) An importer of beer, wine, or distilled beverages produced outside the United States who purchases directly from the brand owner or from a sales agent of a brewer, distiller, rectifier, bottler, manufacturer, vintner, or winery, who is authorized by the brand owner to sell in Maryland, and who has provided proof of this sales agency relationship to the Office of the Comptroller; or

(iv) An American sales agent of an importer under subparagraph (iii) of this paragraph, provided proof of that agency is presented to the Office of the Comptroller.

(2) A nonresident dealer's permit may not be issued to a person who:

(i) Holds a wholesaler or retailer license of any class issued under this article;

- (ii) Has an interest in a wholesaler licensed under this article; or
- (iii) Has an interest in a retailer licensed under this article.

(3) A holder of a nonresident dealer's permit may sell, consign, or deliver, from a location outside Maryland, to persons in Maryland who are authorized to receive them, only those beers, wines, or distilled spirits which it distills, rectifies, bottles, manufactures, produces, imports from outside the United States, or represents as the designated sales agent. The brewer, distiller, rectifier, bottler, manufacturer, vintner, winery, importer and their designated agent may not discriminate directly or indirectly in price between Maryland licensees.

(4) Notwithstanding any other provision of this section, any brand of beer presently being sold, consigned, or delivered in Maryland by the holder of a nonresident dealer's permit from a location outside Maryland to persons in Maryland who are authorized to receive it under this article may continue to be sold, consigned, or delivered until such time as the brewer, the importer, or designated sales agent of the brewer or the importer of that brand of beer preempts the sales territory by appointing a franchisee as provided in §§ 17-101 through 17-107, inclusive, the Beer Franchise Fair Dealing Act, of this article.

(5) Notwithstanding any other provision of this section, a nonresident dealer's permit is not required to make direct sales and shipments to a wholesaler within this State from a location outside the continental limits and possessions of the United States.

(6) Notwithstanding any other provision of this section, in Montgomery County the alcohol beverage purchasing power shall be as described in §§ 15-204(b) and 15-205(k) of this article.

(j) The holder of a permit may import into this State alcoholic beverages for storage in public warehouses, for subsequent shipment outside this State and not for sale, consignment or delivery to any person within this State.

(k) A solicitor's permit may be issued in the discretion of the Office of the Comptroller and, if issued, shall grant a resident or nonresident holder the privilege of promoting, selling, or offering for sale, beer, wines or distilled spirits to manufacturers, wholesalers or retailers in this State. A permit holder may not contact consumers, and if the person holding the permit is employed by a nonresident dealer or resident dealer, the person holding the permit is not permitted to sell, promote or offer for sale alcoholic beverages to retail dealers, except for the account of a Maryland wholesaler or manufacturer who is a distributor for the products of the employer of the nonresident person or resident person holding such a permit.

(l) The holder of a permit may establish a distilled spirits plant solely for the purpose of manufacturing, processing, storing, using, or distributing distilled spirits to be used exclusively for fuel purposes and not for beverage purposes.

(m) (1) A national family beer and wine exhibition permit may be issued at the discretion of the Office of the Comptroller to a bona fide national family wine association, national family beer association, or national family beer and wine association.

(2) The permit holder may conduct a national family beer and wine exhibition and competition.

(3) The permit holder may receive for use, exhibition, and tastings at a national family beer and wine exhibit:

(i) Tax free family-produced beer and wine;

(ii) Tax paid commercially-produced beers and wines from licensed nonresident dealers or manufacturers through licensed Maryland wholesalers or wines through licensed Class 4 wineries; and

(iii) Commercially-produced beer and wine from non-Maryland licensed manufacturers or suppliers subject to the tax imposed in § 5-102 of the Tax – General Article.

(4) A nonresident dealer's permit is not required of a non-Maryland licensed supplier for shipment of beer and wine to a national family beer and wine exhibition permittee.

(5) The permit holder may not sell but may exhibit, judge, and taste beer and wine acquired pursuant to this section at the place designated in the application for a period not exceeding 5 days.

(6) Manufacturers, nonresident dealers, suppliers, and wholesalers or their representatives may act as judges or participate at a national family beer and wine exhibition.

(7) The permit may be granted for:

(i) An unlicensed premises;

(ii) A Class B or Class C alcoholic beverages licensed premises; or

(iii) A Baltimore City Class B-D-7 alcoholic beverages licensed premises.

(8) The permit authorizes the possession and consumption of beer and wine on the named premises with the permission of the licensee as provided in this section, notwithstanding contrary provisions of § 12-107 of this article.

(9) (i) The permit holder shall file a report on forms provided by the Office of the Comptroller of the number of gallons of commercially-produced beer and

wine received from nonlicensed suppliers, and pay the tax provided by § 5–102 of the Tax – General Article within 30 days following the close of the exhibition.

(ii) Instead of a bond, the Office of the Comptroller may require prepayment of a satisfactory sum to cover the anticipated tax.

(n) A license or permit holder may not accept or deliver alcoholic beverages except as provided in this article and the Tax – General Article.

(o) (1) In this subsection the following words have the meanings indicated.

(i) “Charitable organization” means an organization that is a benevolent, educational, philanthropic, humane, patriotic, religious, or eleemosynary organization that solicits or obtains contributions solicited from the public for charitable or benevolent purposes, and that is registered with the Secretary of State as required by law.

(ii) “Charitable organization” includes a chapter, branch, area office, or similar affiliate which has its principal place of business outside the State.

(iii) “Charitable organization” does not include a political party, political committee, political club, an agency of the State government or political subdivision, a fraternal organization, fire fighters, rescue or ambulance squads, or police or other law enforcement organization.

(2) The Office of the Comptroller may issue a 1–day wine auction permit to a charitable organization.

(3) The permit authorizes the holder to sell wine at public or private auction to any consumer through the solicitation and acceptance of bids.

(4) The permit may be granted for:

(i) An unlicensed premises;

(ii) A Class B or C licensed premises; or

(iii) In Baltimore City, a Class B–D–7 licensed premises.

(5) The permit fee is \$10.

(6) (i) The permit authorizes the holder to conduct 1 auction of wine during a calendar year.

(ii) Only 1 permit shall be issued to each charity during a calendar year.

(7) (i) A permit holder may receive wine for the auction from:

1. A wholesaler licensed under this article;
2. A Class 3 or Class 4 winery licensed under this article;
3. A retail dealer licensed under this article;
4. A private individual residing in the State; or
5. A business entity that is located in the State and not licensed under this article.

(ii) A permit holder may receive commercially-produced wine that is not authorized for distribution and sale in the State from:

1. A nonresident private individual; or
2. A business entity that is located outside of this State.

(8) (i) Wine that is received from the following sources is subject to Maryland tax as provided under § 5-102 of the Tax – General Article:

1. Wholesalers licensed under this article;
2. Class 3 and 4 wineries licensed under this article; and
3. Any other source outside of this State.

(ii) Wine that is received from the following sources is presumed to have been tax-paid:

1. Retail dealers licensed under this article;
2. Private individuals residing in this State; and
3. Business entities that are located in this State and not licensed under this article.

(9) (i) Within 30 days from the close of the auction, the permit holder shall file a report and pay all taxes that are due and owing on the wine that is received for the auction.

(ii) The report shall be filed with the Office of the Comptroller and shall include the total number of gallons of wine that was received for the auction and the sources from which it was received.

(iii) The Office of the Comptroller shall provide the forms for the report.

(10) The Office of the Comptroller may require that, within 7 days from the

date of the auction, the permit holder prepay a satisfactory sum to cover the anticipated wine tax that is due and owing.

(11) (i) Wines that have been purchased at auction shall be delivered to the purchaser at the event or from a licensed warehouse or retail premises or other premises that is approved by the Office of the Comptroller.

(ii) All wines delivered are subject to the applicable State sales taxes.

(12) Notwithstanding any other provision of this article, any person authorized to sell wine at retail may purchase any wine offered at a wine auction, provided for under this section, in an amount not exceeding 5 gallons (18 liters) and may resell it in accordance with the terms of their license.

(13) The Office of the Comptroller may adopt regulations to implement the provisions of this subsection.

(p) (1) The Office of the Comptroller may issue a nonresident storage permit to a holder of a nonresident dealer permit.

(2) The permit holder may store alcoholic beverages in a licensed public storage warehouse in this State for subsequent shipment to:

(i) Maryland licensed wholesalers;

(ii) Maryland licensed manufacturers; or

(iii) Persons outside of this State.

(3) A nonresident storage permit holder may not ship any alcoholic beverages as provided under this section unless:

(i) The invoice for the shipment originates from the out-of-state permit address of the nonresident dealer; and

(ii) The holder ships the alcoholic beverages from the public storage warehouse in Maryland to the purchaser concurrently with the invoice being sent to the purchaser.

(4) The permit holder shall file a monthly storage and shipping activities report with the Office of the Comptroller on forms and in the manner prescribed by the Office of the Comptroller.

(q) An alcohol awareness program permit shall authorize the holder to conduct an alcohol awareness program which has been certified by the Comptroller under § 13-101 of this article.

(r) An alcohol awareness instructor's permit shall authorize the holder to

conduct alcohol awareness training as an employee or agent of an alcohol awareness program permit holder.

(s) (1) In this subsection, “permit” means a family beer and wine facility permit.

(2) A permit authorizes the holder to establish a facility for the production of family beer or wine by nonlicensed State consumers who are of legal drinking age.

(3) The permit holder may provide equipment, raw materials, and instructions to the consumer. Except for beer or wine produced for testing equipment or recipes and samples described in paragraph (5) of this subsection, the permit holder may not engage in the actual production or manufacture of beer or wine.

(4) All family beer and wine produced at a family beer and wine facility shall be removed from the premises by the consumer. It may only be used for home consumption and the personal use of the consumer.

(5) (i) The permit includes a sampling privilege.

(ii) Patrons may have a maximum of five samples and the samples may not exceed 2 ounces per sample.

(iii) Samples may only be consumed on the premises by a person who has a nonrefundable contract to brew or ferment at that facility.

(6) The Office of the Comptroller may restrict a family beer and wine facility permit to the production of either family produced beer or family produced wine.

(7) The holder of a permit may not simultaneously hold any other license issued pursuant to this article.

(8) The Office of the Comptroller may promulgate regulations regarding limits on the quantities produced, requirements for record keeping, and any other activities that relate to the operation of a family beer and wine facility.

(t) (1) A private bulk sale permit authorizes the holder to sell the holder’s private alcoholic beverages inventory to an individual or entity in accordance with this subsection.

(2) In order to qualify for a private bulk sale permit, an applicant must:

(i) Be an individual at least 21 years of age or older;

(ii) Be a current Maryland resident;

(iii) File an inventory with the Comptroller of all alcoholic beverages

to be sold; and

(iv) Certify that all alcoholic beverages to be sold:

1. Have been legally acquired and transported into Maryland in accordance with this article; and

2. Are owned by the permit holder at the time of application.

(3) Sales under a private bulk sale permit shall be made by:

(i) The permit holder; or

(ii) An unlicensed agent or auction company acting on behalf of the permit holder.

(4) Sales transactions may take place on:

(i) A premises not licensed under the provisions of this article; or

(ii) A private room of an on-premise retail licensee.

(5) Sales may only be made under this permit to one or more of the following:

(i) A Maryland resident who is at least 21 years of age;

(ii) A Maryland alcoholic beverages retailer who holds the proper class of license; or

(iii) An individual or entity located outside of this State if the individual or entity is authorized to ship alcoholic beverages purchased under the permit to their home state or state of ultimate destination.

(6) The Comptroller may promulgate regulations regarding record keeping, reporting requirements, and any other activities related to a private bulk sale permit.

(u) (1) The Office of the Comptroller may issue a nonresident winery permit to a person that:

(i) Is licensed outside of the State to engage in the manufacture of wine;

(ii) Produces not more than 27,500 gallons of its own wine annually; and

(iii) Does not hold a nonresident dealer's permit.

(2) A holder of a nonresident winery permit may sell and deliver its own wine from a location outside of the State to a retail licensee or permit holder in the State authorized to acquire the wine.

(3) A nonresident winery permit holder shall comply with all of the requirements of this article, the Tax – General Article, and the regulations of the Office of the Comptroller that apply to a holder of a Class 6 limited wine wholesaler’s license.

(v) (1) Subject to paragraph (2) of this subsection, the Comptroller may issue a resident dealer’s permit to:

(i) An importer of beer, wine, or distilled spirits produced outside the United States who purchases directly from the brand owner or from a sales agent of a brewer, distiller, rectifier, bottler, manufacturer, vintner, or winery, who is authorized by the brand owner to sell in the State, and who has provided proof of this sales agency relationship to the Comptroller; or

(ii) An American sales agent of an importer under subparagraph (i) of this paragraph, providing proof of that agency is presented to the Comptroller.

(2) To be issued a resident dealer’s permit, an individual applicant, an applicant qualifying as a resident applicant for a corporation, or each applicant for a partnership shall have been a resident of the State for at least 2 years immediately before applying for the permit.

(3) A resident dealer’s permit may not be issued to a person who:

(i) Holds a wholesaler or retailer license of any class issued under this article;

(ii) Has an interest in a wholesaler licensed under this article; or

(iii) Has an interest in a retailer licensed under this article.

(4) A resident dealer’s permit authorizes the holder to sell alcoholic beverages to a wholesaler licensed under this article in the State or to a person outside of the State who the Comptroller authorizes to acquire the alcoholic beverages.

(5) A holder of a resident dealer’s permit may not own or operate a warehouse in the State.

(w) (1) The Office of the Comptroller may issue a common carrier permit to a person who meets the definition of a “common carrier” under § 7.5–101 of this article.

(2) The holder of a common carrier permit may deliver wine from a location inside or outside the State to a consumer in the State for the consumer’s personal use under Title 7.5 of this article.

(3) The holder of a common carrier permit that delivers wine solely under Title 7.5 of this article may not be required to obtain a transportation permit issued under subsection (g) of this section in addition to the common carrier permit.

(x) (1) The Office of the Comptroller may issue a nonresident brewery permit to a person that:

(i) Is licensed outside the State to engage in the manufacture of beer;

(ii) Produces in the aggregate from all of its locations not more than 22,500 barrels of beer annually; and

(iii) Does not hold a nonresident dealer's permit.

(2) A holder of a nonresident brewery permit may sell and deliver not more than 3,000 barrels of its own beer annually from a location outside the State to a retail license holder or permit holder in the State authorized to acquire the beer.

(3) A nonresident brewery permit holder shall comply with all the requirements of this article, the Tax – General Article, and the regulations of the Office of the Comptroller that apply to a holder of a Class 7 limited beer wholesaler's license.

(4) The annual fee for a nonresident brewery permit is \$50.

(y) (1) In this subsection, "permit" means a farmers' market permit.

(2) There is a farmers' market permit.

(3) The Office of the Comptroller may issue the permit to a holder of a license:

(i) Other than a Class 4 limited winery license, that allows the holder to sell alcoholic beverages to the public for consumption off the licensed premises; and

(ii) That was issued by the local licensing board of the jurisdiction in which the farmers' market will be held.

(4) The holder of a permit shall notify the local licensing board of the jurisdiction in which the farmers' market will be held that the permit has been issued.

(5) (i) A permit may be used only:

1. At a farmers' market that is listed in the farmers' market directory of the Maryland Department of Agriculture;

2. At the farmers' market named in the permit; and

3. During the hours of operation of the farmers' market for which it is obtained.

(ii) The Office of the Comptroller may issue not more than one permit for use at each farmers' market.

(6) A permit authorizes the holder to:

(i) Occupy stall space at a farmers' market; and

(ii) Subject to paragraph (7) of this subsection:

1. Offer and sell sealed containers of wine to consumers for consumption off the licensed premises of the farmers' market; and

2. Provide at no charge samples of wine not to exceed 1 fluid ounce per brand to consumers for consumption on the licensed premises of the farmers' market.

(7) All wine offered for sale or samplings by the permit holder shall be the product of a Class 4 limited winery.

§2-102.

(a) There is a winery off-site permit.

(b) The Office of the Comptroller may issue the permit to a Class 4 limited winery that meets the requirements of this section.

(c) During an event listed in subsection (e) of this section, the permit holder may:

(1) Provide to a consumer a sample that has been produced by the permit holder and that may not exceed 1 fluid ounce for each brand;

(2) Sell to a consumer wine that has been produced by the permit holder for off-premises consumption; and

(3) Except for farmers' markets listed in subsection (e) of this section, sell to a consumer wine that is produced by the permit holder for on- and off-premises consumption.

(d) While selling wine or providing samples at a farmers' market as provided in subsection (e)(4) of this section, a permit holder shall have an agent present who is certified by an approved alcohol awareness program.

(e) The winery offsite permit may be used only:

(1) During the Montgomery County Agricultural Fair;

(2) 1 night each week from June through November at the North Beach Friday Night Farmers' Market;

(3) At an event that has as its major purpose an activity:

(i) That is other than the sale and promotion of alcoholic beverages;
and

(ii) For which the participation of a winery is a subordinate activity;

(4) At farmers' markets that are listed on the Farmers' Market Directory of the Maryland Department of Agriculture; and

(5) At a wine festival that:

(i) Has as its primary purpose the promotion of Maryland wine; and

(ii) Is authorized by the Office of the Comptroller under § 2-103 of this subtitle.

(f) The term of a winery off-site permit is 1 year.

(g) An applicant shall:

(1) Submit to the Office of the Comptroller a completed application on a form that the Office of the Comptroller provides; and

(2) Pay a fee of \$100 for the winery off-site permit.

(h) (1) The permit holder shall notify the Office of the Comptroller of its intention to attend an off-site event within a time period as determined by the Office of the Comptroller.

(2) The notice shall be on a form that the Office of the Comptroller provides.

(i) The Comptroller may adopt regulations to require the permit holder to notify the board of license commissioners in the county where the event is being held of its intention to attend an off-site event.

§2-103.

(a) There is a wine festival permit.

(b) (1) An applicant for a wine festival permit shall be a nonprofit organization, as defined by § 501(c) of the Internal Revenue Code.

(2) The Office of the Comptroller may issue the permit to a nonprofit organization that meets the requirements of this section.

(3) A permit authorizes the permit holder to conduct a wine festival for at least 1 day and not more than 3 consecutive days.

(c) (1) The permit holder may purchase wine at wholesale to:

(i) Provide to a consumer a sample that may not exceed 1 fluid ounce for each brand; and

(ii) Sell to a consumer wine for on- and off-premises consumption.

(2) The permit holder shall provide space at a wine festival for holders of winery off-site permits.

(3) A holder of a winery off-site permit that attends a wine festival may provide wine to a consumer in the same manner as the holder of the wine festival permit.

(4) The permit holder may provide or sell at the wine festival only alcoholic beverages provided by the permit holder or a holder of a winery off-site permit that is in attendance.

(d) At all times during the wine festival, the permit holder shall have present at least two agents, one of whom may be the permit holder, who are certified by an approved alcohol awareness program.

(e) An applicant for a wine festival permit shall:

(1) No less than 30 days before the proposed event, submit to the Office of the Comptroller a completed application on a form that the Office of the Comptroller provides that:

(i) States that the primary purpose of the wine festival is to promote Maryland wine;

(ii) Provides details of the wine festival, including the location, dates, and times of operation; and

(iii) Includes appropriate evidence that the owner of the property in which the wine festival may be held has given permission to the applicant to have the wine festival on its premises; and

(2) Pay a fee of \$100 for the wine festival permit.

(f) No less than 15 days before the wine festival, the permit holder shall provide the Office of the Comptroller with a list of winery off-site permit holders that will attend.

§2–104.

Each calendar year, attendance at an event described in § 2–102(e)(3) of this title and at a wine festival described in § 2–103 of this title by a holder of a winery off–site permit shall be limited to attendance at no more than:

- (1) 32 events statewide; and
- (2) Nine events at any single venue.

§2–105.

(a) In this section, “limited permit holder” means a person who holds a brewing company off–site permit and also holds a manufacturer’s license for:

- (1) A Class 5 brewery that produces less than 3,000 barrels a year;
- (2) A Class 7 micro–brewery that produces less than 3,000 barrels a year;

or

- (3) A Class 8 farm brewery.

(b) There is a brewing company off–site permit.

(c) The Office of the Comptroller may issue the permit to:

- (1) A Class 5 brewery;
- (2) A Class 7 micro–brewery; or
- (3) A Class 8 farm brewery.

(d) During an event listed in subsection (f) of this section, a limited permit holder may:

(1) Provide to a consumer a sample that has been produced by the limited permit holder and that may not exceed 1 fluid ounce for each brand;

(2) Sell to a consumer up to 288 ounces of beer that has been produced by the limited permit holder for off–premises consumption; and

(3) Except for farmers’ markets listed in subsection (f) of this section, sell to a consumer up to 288 ounces of beer that is produced by the limited permit holder for on– and off–premises consumption.

(e) While selling beer or providing samples at a farmers’ market as provided in subsection (f) of this section, a limited permit holder shall have an agent present who is certified by an approved alcohol awareness program.

(f) Except as otherwise authorized under subsection (g) of this section, a limited permit holder may use the brewing company off-site permit only:

(1) During the Montgomery County Agricultural Fair;

(2) During the Maryland State Agricultural Fair;

(3) During the Frederick County Agricultural Fair;

(4) One night each week from June through November at the North Beach Friday Night Farmers' Market;

(5) For up to seven events, at an event that has as its major purpose an activity:

(i) That is other than the sale and promotion of alcoholic beverages; and

(ii) For which the participation of a brewing company is a subordinate activity; and

(6) At other farmers' markets that are listed on the Farmers' Market Directory of the Maryland Department of Agriculture.

(g) A person that holds a brewing company off-site permit may use the permit at a nonprofit beer festival that:

(1) Has as its primary purpose the promotion of Maryland beer; and

(2) Is authorized by a local licensing board under § 2-106 of this subtitle.

(h) The term of a brewing company off-site permit is 1 year.

(i) An applicant shall:

(1) Submit to the Office of the Comptroller a completed application on a form that the Office of the Comptroller provides; and

(2) Pay a fee of \$100 for the brewing company off-site permit.

(j) (1) No later than the 20th day of the month preceding the off-site event, the permit holder shall notify the Office of the Comptroller of the permit holder's intention to attend an off-site event.

(2) The notice shall be on a form that the Office of the Comptroller provides.

(k) The Comptroller may adopt regulations to require the permit holder to notify the board of license commissioners in the county where the event is being held of the

permit holder's intention to attend an off-site event.

§2-106.

(a) There is a nonprofit beer festival permit.

(b) (1) An applicant for a nonprofit beer festival permit shall be a nonprofit organization, as defined by § 501(c) of the Internal Revenue Code.

(2) A local licensing board may issue the permit to a nonprofit organization that meets the requirements of this section.

(3) A permit authorizes the permit holder to conduct a nonprofit beer festival for at least 1 day and not more than 3 consecutive days.

(c) (1) The permit holder may purchase beer at wholesale to:

(i) Provide to a consumer a sample that may not exceed 1 fluid ounce for each brand; and

(ii) Sell to a consumer beer for on- and off-premises consumption.

(2) The permit holder shall provide space at a nonprofit beer festival for holders of brewing company off-site permits.

(3) A holder of a brewing company off-site permit that attends a nonprofit beer festival may provide beer to a consumer in the same manner as the holder of the nonprofit beer festival permit.

(4) The permit holder may provide or sell at the nonprofit beer festival only alcoholic beverages provided by the permit holder or a holder of a brewing company off-site permit that is in attendance.

(d) At all times during the nonprofit beer festival, the permit holder shall have present at least two agents, one of whom may be the permit holder, who are certified by an approved alcohol awareness program.

(e) An applicant for a nonprofit beer festival permit shall:

(1) No less than 30 days before the proposed event, submit to the local licensing board a completed application on a form that the Office of the Comptroller provides that:

(i) States that the primary purpose of the nonprofit beer festival is to promote Maryland beer;

(ii) Provides details of the nonprofit beer festival, including the location, dates, and times of operation; and

(iii) Includes appropriate evidence that the owner of the property in which the nonprofit beer festival may be held has given permission to the applicant to have the nonprofit beer festival on its premises; and

(2) Pay a fee of \$100 for the nonprofit beer festival permit to the local licensing board.

(f) No less than 15 days before the nonprofit beer festival, the permit holder shall provide the local licensing board with a list of brewing company off-site permit holders that will attend.

§2-201.

(a) The annual fees for manufacturer's licenses are as follows:

Class 1	Distillery	\$ 2,000
Class 2	Rectifying.....	600
Class 3	Winery.....	750
Class 4	Limited Winery	200
Class 5	Brewery.....	1,500
Class 6	Pub-Brewery	500
Class 7	Micro-Brewery	500
Class 8	Farm Brewery	200
Class 9	Limited Distillery.....	500

(b) (1) This subsection does not apply to a Class 6 pub-brewery license.

(2) (i) The holder of a distillery, rectifying, winery, limited winery, or brewery license may apply for and obtain, under a different name, one or more additional distillery, rectifying, winery, limited winery, or brewery licenses for the same or another premises.

(ii) The holder of a micro-brewery license may apply for and obtain not more than one additional micro-brewery license for another premises.

(3) Those licenses may be issued to different persons or under trade names used by persons occupying a part of or all of the same premises.

(4) A holder of a license listed in paragraph (2) of this subsection may hold additional licenses listed in paragraph (2) of this subsection of the same or of a different class.

(5) (i) The holder of a rectifying or winery license may apply for and obtain a wholesaler's license of any class for the same premises or elsewhere as provided

under this article.

(ii) The holder of a limited winery license may apply for and obtain a Class 6 limited wine wholesaler's license for the same premises or elsewhere as provided under this article.

(iii) 1. The holder of a Class 5 manufacturer's license or Class 7 micro-brewery license may apply for and obtain a Class 7 limited beer wholesaler's license in accordance with this subparagraph.

2. A holder of a Class 5 manufacturer's license that was selling the holder's own beer at wholesale in the State as of January 1, 2013, may obtain a Class 7 limited beer wholesaler's license to continue to sell the holder's own beer at wholesale in the same location in an amount that is not more than 3,000 barrels annually.

3. A holder of a Class 5 manufacturer's license that produces in aggregate from all its locations not more than 22,500 barrels of beer annually may obtain a Class 7 limited beer wholesaler's license and distribute not more than 3,000 barrels of its own beer annually.

4. A holder of one or two Class 7 micro-brewery licenses that produces in aggregate from all of its locations not more than 22,500 barrels of beer annually may obtain a Class 7 limited beer wholesaler's license and distribute beer that:

A. Totals annually not more than 3,000 barrels in aggregate from all of its locations; and

B. Has been brewed at the location from where it is distributed.

§2-202.

(a) A Class 1 manufacturer's license:

(1) Is a distillery license;

(2) Authorizes the:

(i) Establishment and operation in this State of a plant for distilling brandy, rum, whiskey, alcohol and neutral spirits;

(ii) Sale and delivery of those alcoholic beverages in bulk to persons authorized in this State to acquire them; and

(iii) Sale and delivery of those alcoholic beverages to persons located outside this State;

(3) Shall be obtained for each trade name and for each distillery in this

State;

(4) Permits a distiller to manufacture alcoholic beverages in the name of another person or under a trade name, provided a distillery license has been issued to that other person or under that trade name, as the case may be;

(5) Permits the holder of the license to acquire bulk alcoholic beverages from the holder of a distillery, rectifying, or winery license in this State or from the holder of a nonresident dealer's permit; and

(6) Permits the holder of the license to:

(i) Conduct guided tours of the licensed premises;

(ii) Serve not more than three samples of products manufactured at the licensed premises, with each sample consisting of not more than one-half ounce from a single product, to persons who have attained the legal drinking age and participated in a guided tour of the licensed premises; and

(iii) Subject to subsection (b) of this section, sell not more than three 750-milliliter bottles of products manufactured on the licensed premises, for consumption off the licensed premises, and related merchandise to persons who have attained the legal drinking age and participated in a guided tour of the licensed premises.

(b) A holder of the license may sell bottles of products under subsection (a)(6)(iii) of this section only if the holder manufactures not more than 27,500 gallons of products annually.

(c) A holder of a Class 1 manufacturer's license or entity in which a holder has a pecuniary interest may not act as a caterer of food.

(d) Subject to subsection (e) of this section, a license holder may conduct the activities specified in subsection (a)(6) of this section:

(1) For consumption off the licensed premises of products manufactured at the licensed premises and for sampling, each day from 10 a.m. to 10 p.m.; and

(2) For consumption on the licensed premises of products manufactured at the licensed premises:

(i) From 10 a.m. to 6 p.m. each day; or

(ii) If guests are attending a planned promotional event or other organized activity on the licensed premises, from 10 a.m. to 10 p.m. each day.

(e) (1) Except as provided in paragraph (2) of this subsection, a Class 1 manufacturer's license allows the holder to operate 7 days a week.

(2) In Garrett County, a license holder may open on Sundays to engage in the activities listed in subsection (a)(6) of this section only in an election district where the voters, in a referendum authorized by law, have approved Sunday sales at a distillery.

(f) At least 14 days before holding a planned promotional event after 6 p.m., a license holder shall file a notice of the promotional event with the Comptroller on the form that the Comptroller provides.

(g) (1) Except as provided in paragraph (2) of this subsection, a license holder may not sell or allow to be consumed at the licensed premises any product other than products produced by the license holder under the authority of this section.

(2) A holder of a caterer's license or privilege under Title 6, Subtitle 7 of this article may exercise the privileges of the license or privilege on the licensed premises of the license holder.

(h) Nothing in this section limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

§2–202.1.

(a) There is a Class 9 limited distillery license.

(b) The license shall be issued:

(1) By the State Comptroller; and

(2) Only to a holder of a Class D beer, wine and liquor license in Worcester County for use on the premises for which the Class D license was issued.

(c) (1) A holder of a Class 9 limited distillery license:

(i) May establish and operate a plant in this State for distilling, rectifying, and bottling brandy, rum, whiskey, alcohol, and neutral spirits if the holder:

1. Maintains only one brand at any one time for each product of brandy, rum, whiskey, alcohol, and neutral spirits that is distilled, rectified, and sold; and

2. Does not manufacture or rectify product of any other brand for another entity;

(ii) May acquire bulk alcoholic beverages from the holder of a distillery or rectifying license in this State or from the holder of a nonresident dealer's permit;

(iii) After acquiring an individual storage permit, may store on the licensed premises those products manufactured under the Class 9 limited distillery license;

(iv) May sell and deliver those products manufactured under the Class 9 limited distillery license only to a licensed wholesaler in this State or person authorized to acquire distilled spirits in another state and not to a county dispensary;

(v) May sell the products manufactured under the Class 9 limited distillery license at retail in a manner consistent with the underlying Class D license;

(vi) May conduct guided tours of that portion of the licensed premises used for the limited distillery operation; and

(vii) May serve not more than three samples of products manufactured at the licensed premises, with each sample consisting of not more than one-half ounce from a single product, to persons who:

1. Have attained the legal drinking age;
2. Participated in a guided tour; and
3. Are present on that portion of the premises used for the limited distillery operation.

(2) A holder of a Class 9 limited distillery license may not:

- (i) Apply for or possess a Maryland wholesaler's license;
- (ii) Sell bottles of the products manufactured at the Class 9 limited distillery on that part of the premises used for the distillery operation;
- (iii) Distill, rectify, bottle, or sell more than 100,000 gallons of brandy, rum, whiskey, alcohol, and neutral spirits each calendar year;
- (iv) Sell at retail on the premises of the Class D license, for on- or off-sale consumption, more than 15,500 gallons of the products manufactured under the Class 9 limited distillery license each calendar year; and
- (v) Own, operate, or be affiliated in any manner with another manufacturer.

(3) A holder of a Class 9 limited distillery license shall abide by all trade practice restrictions applicable to distilleries.

(d) To distill more than the gallonage specified in subsection (c)(2)(iii) of this section, a holder of a Class 9 limited distillery license shall divest itself of any Class D retail license and obtain a Class 1 manufacturer's license.

§2–203.

(a) A Class 2 manufacturer's license:

(1) Is a rectifying license;

(2) Authorizes the holder to:

(i) Establish and operate in this State a plant for rectifying, blending and bottling alcoholic beverages; and

(ii) Sell and deliver alcoholic beverages to a holder of a distillery, rectifying, or wholesaler's license, or to permit holders authorized to acquire those alcoholic beverages and to persons outside this State;

(3) Authorizes the holder to acquire alcoholic beverages from the holder of a:

(i) Distillery, rectifying, winery, or wholesaler's license in this State;

or

(ii) Nonresident dealer's permit;

(4) Authorizes the holder to rectify, blend, bottle and store alcoholic beverages for another person or under another trade name if a rectifying license has been issued in the name of that person or under that trade name, as the case may be; and

(5) Authorizes the holder to:

(i) Conduct guided tours of the licensed premises; and

(ii) Serve not more than three samples of products manufactured at the licensed premises, with each sample consisting of not more than one-half ounce from a single product, to persons who have attained the legal drinking age and participated in a guided tour of the licensed premises.

(b) A holder of a Class 2 manufacturer's (rectifying) license or entity in which a holder has a pecuniary interest may not act as a caterer of food.

(c) Subject to subsection (d) of this section, a license holder may conduct the activities specified in subsection (a)(5) of this section:

(1) For consumption off the licensed premises of products manufactured at the licensed premises and for sampling, each day from 10 a.m. to 10 p.m.; and

(2) For consumption on the licensed premises of products manufactured at the licensed premises:

(i) From 10 a.m. to 6 p.m. each day; or

(ii) If guests are attending a planned promotional event or other organized activity on the licensed premises, from 10 a.m. to 10 p.m. each day.

(d) (1) Except as provided in paragraph (2) of this subsection, a Class 2 manufacturer's (rectifying) license allows the holder to operate 7 days a week.

(2) In Garrett County, a license holder may open on Sundays to engage in the activities listed in subsection (a)(5) of this section only in an election district where the voters, in a referendum authorized by law, have approved Sunday sales at a rectifying facility.

(e) At least 14 days before holding a planned promotional event after 6 p.m., a license holder shall file a notice of the promotional event with the Comptroller on the form that the Comptroller provides.

(f) (1) Except as provided in paragraph (2) of this subsection, a license holder may not sell or allow to be consumed at the licensed premises any product other than products produced by the license holder under the authority of this section.

(2) A holder of a caterer's license or privilege under Title 6, Subtitle 7 of this article may exercise the privileges of the license or privilege on the licensed premises of the license holder.

(g) Nothing in this section limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

§2–204.

(a) A Class 3 manufacturer's license:

(1) Is a winery license; and

(2) Authorizes the holder to:

(i) Establish and operate in this State a plant for fermenting and bottling wine at the location described in the license;

(ii) Import bulk wine from the holder of a nonresident dealer's permit;

(iii) Sell and deliver wine to any wholesale licensee or permit holder in this State, or person outside of this State authorized to acquire wine;

(iv) Sell wine made from products grown in Maryland at a retail price at the plant to persons participating in a guided tour of the facility. The purchase shall

be limited to not more than one quart per person per year provided the purchaser has attained the Maryland legal drinking age; and

(v) Serve at no charge not more than 6 ounces of wines made at the licensed facility to a person who is participating in a guided tour of the facility, provided the person has attained the Maryland legal drinking age.

(b) In Montgomery County, the Board of License Commissioners may issue a Class D beer and light wine license to a holder of a Class 3 manufacturer's license in Montgomery County that produces not more than 20,000 gallons in a year.

§2–205.

(a) In this section, “pomace brandy” means brandy that is distilled from the pulpy residue of the wine press, including the skins, pips, and stalks of grapes.

(b) (1) There is a Class 4 limited winery license.

(2) A Class 4 limited winery license allows the licensee to:

(i) Subject to paragraph (3) of this subsection, from available Maryland agricultural products:

1. Ferment and bottle wine; and

2. Distill and bottle pomace brandy; and

(ii) Sell and deliver the wine and pomace brandy to a wholesale licensee or permit holder in this State or a person outside of this State that is authorized to acquire the wine and pomace brandy.

(3) (i) On or before January 31 of each year, the Maryland Department of Agriculture shall determine if an insufficient supply of Maryland agricultural products exists.

(ii) If an insufficient supply is determined to exist, a licensee may use agricultural products from outside the State to manufacture wine and pomace brandy.

(4) Except as provided in § 2–301 of this title, a licensee need not obtain any other license to possess, manufacture, sell, or transport wine or pomace brandy.

(5) A licensee may:

(i) Sell wine and pomace brandy produced by the licensee for consumption;

(ii) In an amount not exceeding 2 fluid ounces per brand, provide samples of wine and pomace brandy that the licensee produces to a consumer:

1. At no charge; or
 2. For a fee; and
- (iii) Subject to paragraph (6) of this subsection, sell or serve only:
1. Bread and other baked goods;
 2. Chili;
 3. Chocolate;
 4. Crackers;
 5. Cured meat;
 6. Fruits (whole and cut);
 7. Salads and vegetables (whole and cut);
 8. Hard and soft cheese (whole and cut);
 9. The following items made with Maryland wine:
 - A. Ice cream;
 - B. Jelly;
 - C. Jam; and
 - D. Vinegar;
 10. Pizza;
 11. Prepackaged sandwiches and other prepackaged foods ready to be eaten;
 12. Soup; and
 13. Condiments.

(6) (i) A caterer is not limited to selling or serving only the foods specified in paragraph (5)(iii) of this subsection.

(ii) A licensee or entity in which the licensee has a pecuniary interest may not act as a caterer of food.

(7) Subject to paragraph (8) of this subsection, a licensee may conduct the activities specified in paragraph (5) of this subsection:

(i) For consumption of wine and pomace brandy off the licensed premises and for sampling, each day from 10 a.m. to 10 p.m.; and

(ii) For consumption of wine and pomace brandy on the licensed premises and sales and service of food on the licensed premises:

1. From 10 a.m. to 6 p.m. each day; or

2. If guests are attending a planned promotional event or other organized activity on the licensed premises, from 10 a.m. to 10 p.m. each day.

(8) (i) Except as provided in subparagraph (ii) of this paragraph, a Class 4 limited winery license allows the holder to operate 7 days a week.

(ii) In Garrett County, a licensee may open on Sundays to engage in the activities listed in paragraph (5) of this subsection only in an election district where the voters, in a referendum authorized by law, have approved Sunday sales at a winery.

(9) At least 14 days before holding a planned promotional event after 6 p.m., a licensee shall file a notice of the promotional event with the Comptroller on the form that the Comptroller provides.

(10) A licensee may not sell or allow to be consumed at the location of the limited winery any alcoholic beverage other than the wine or pomace brandy produced by the licensee under the authority of this section.

(11) Nothing in this subsection limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a licensee.

(c) The place listed on the Class 4 winery license shall be in compliance with § 9–103 of this article.

(d) A licensee may:

(1) Store on its licensed premises, in a segregated area approved by the Comptroller, the product of other Class 4 limited wineries to be used at bona fide Maryland Wineries Association promotional activities, provided records are maintained and reports filed as may be required by the Comptroller;

(2) Distill and bottle not more than 1,900 gallons of pomace brandy made from available Maryland agricultural products;

(3) Purchase bulk wine fermented by a manufacturer licensed under this article and blend the wine with the holder's wine and pomace brandy, if the aggregate purchase does not exceed 25% of the holder's annual wine and pomace brandy production;

- (4) Purchase pomace brandy only for blending with wine;
- (5) Import, export, and transport its wine and pomace brandy in accordance with this section; and
- (6) Produce wine and pomace brandy at a warehouse for which the holder has been issued an individual storage permit, if:
 - (i) The holder does not serve or sell wine or pomace brandy at a warehouse to the public; and
 - (ii) The Comptroller has full access at all times to the warehouse to enforce this article.
- (e) A Class 4 limited winery may be located only at the place stated on the license.
- (f) If a licensee maintains the records and files the reports that the Comptroller requires, the licensee may:
 - (1) In the State, conduct winemaking and packaging activities at another federally bonded winery or limited winery; or
 - (2) Outside the State, conduct winemaking and packaging activities other than fermentation, at another federally bonded winery.
- (g) Throughout the winemaking process, the licensee shall:
 - (1) Maintain ownership of the wine or pomace brandy; and
 - (2) Ensure that the wine or pomace brandy returns to the location of the limited winery.

§2-206.

- (a) A Class 5 manufacturer's license:
 - (1) Is a brewery license; and
 - (2) Authorizes the holder to:
 - (i) Establish and operate in this State a plant for brewing and bottling malt beverages at the location described in the license;
 - (ii) Import beer from holders of nonresident dealer's permits;
 - (iii) Sell and deliver beer to any wholesale licensee in this State, or person outside of this State, authorized to acquire it; and

(iv) Subject to subsection (b)(2) of this section, sell beer brewed at the location described in the license for on-premises consumption.

(b) (1) A licensee may:

(i) Serve to a person of legal drinking age who participates in a guided tour of the facility or attends a scheduled promotional event or other organized activity at the licensed premises, not more than six samples of beer brewed at the licensed premises, with each sample consisting of not more than 3 ounces from a single style of beer; and

(ii) Sell beer brewed at the brewery for off-premises consumption to anyone who participates in a guided tour of the brewery or attends a scheduled promotional event or other organized activity at the licensed premises, subject to the following restrictions:

1. The purchase is limited to 288 ounces of beer per person;
 2. The person has attained the legal drinking age.
- and

(2) (i) A local licensing board shall grant an on-site consumption permit to an applicant that holds a Class 5 manufacturer's license and, subject to subparagraph (iii) of this paragraph, a Class D beer license.

(ii) An on-site consumption permit entitles the holder to sell beer brewed at the brewery for on-premises consumption to persons that have attained the legal drinking age.

(iii) Before a local licensing board that does not issue a Class D beer license may grant an on-site consumption permit, the local licensing board shall:

1. Establish an equivalent license; and
2. Require that the applicant obtain that license.

(iv) The total amount of beer sold each year for on-premises consumption under this paragraph may not exceed 500 barrels.

(v) A local licensing board may:

1. Charge a fee for granting an on-site consumption permit;
2. Require that the holder of the permit or an employee designated by the holder comply with the alcohol awareness training requirements under § 13-101 of this article.

(c) (1) The Office of the Comptroller may issue a special brewery promotional event permit to a holder of a Class 5 manufacturer's license.

(2) The permit authorizes the holder to conduct on the premises of the brewery a promotional event at which the holder may:

(i) Provide samples of not more than 3 fluid ounces per brand to consumers; and

(ii) Sell beer produced by the holder to persons who participate in the event.

(3) The beer at the event shall be sold by the glass and for consumption on the premises only.

(4) A holder of a Class 5 manufacturer's license may not be issued more than 12 permits in a calendar year.

(5) A single promotional event may not exceed 3 consecutive days.

(6) The permit fee is \$25 per event.

(7) To obtain a permit, a person, at least 15 days before the event, shall file with the Office of the Comptroller an application that the Office provides.

(d) (1) (i) The Comptroller may issue a refillable container permit to a holder of a Class 5 manufacturer's license:

1. On completion of an application form that the Comptroller provides; and

2. At no cost to the holder of the Class 5 manufacturer's license.

(ii) A refillable container permit may be renewed each year concurrently with the renewal of the Class 5 manufacturer's license.

(2) A refillable container permit authorizes the holder to sell draft beer for consumption off the licensed premises in a refillable container that:

(i) Has a capacity of not less than 32 ounces and not more than 128 ounces; and

(ii) Meets the requirements under paragraph (3) of this subsection.

(3) To be used as a refillable container under paragraph (2) of this subsection, a container shall meet the standards under § 21-107 of this article.

(4) The hours of sale for a refillable container permit issued under this

subsection are the same as the hours when a guided tour, a promotional event, or other organized activity at the licensed premises authorized under subsection (b) of this section may be conducted.

(5) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

(6) The Comptroller may adopt regulations to implement this subsection.

§2–207.

(a) A Class 6 pub–brewery license shall be issued:

(1) By the State Comptroller;

(2) Only to a holder of a Class B beer, wine and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the jurisdictions permitted by this subsection;

(3) In the City of Annapolis; and

(4) Throughout the State, but not in the following subdivisions:

(i) Allegany County;

(ii) Caroline County;

(iii) Howard County; and

(iv) Somerset County.

(b) A holder of a Class 6 pub-brewery license:

(1) May brew malt beverages at a single location for consumption on the restaurant premises; and

(2) Is limited to the brewing of 2,000 barrels of malt beverage each calendar year.

(c) The pub-brewery premises shall be located immediately adjacent to the restaurant where the brewed beverage is to be sold to the public.

(d) The Class 6 pub-brewery license is void if:

(1) The restaurant ceases to be operated as a restaurant; or

(2) The holder’s Class B beer, wine and liquor (on-sale) license is revoked or transferred to a different location.

(e) If the holder's Class B beer, wine and liquor (on-sale) license is suspended, the Class 6 pub-brewery license shall be suspended for the same period of time.

(f) Except for a license transferred to a new location, a Class 6 pub-brewery license may be transferred under § 10-503 of this article if an application for transfer is filed with the local licensing board and simultaneously filed with the Office of the Comptroller.

(g) (1) This subsection applies only in the following jurisdictions:

- (i) City of Annapolis;
- (ii) Anne Arundel County;
- (iii) Baltimore City;
- (iv) Baltimore County;
- (v) Calvert County;
- (vi) Cecil County;
- (vii) Charles County;
- (viii) Harford County;
- (ix) Prince George's County;
- (x) Talbot County;
- (xi) Wicomico County; and
- (xii) Worcester County.

(2) The holder of a Class 6 pub-brewery license may sell malt beverages for off-premises consumption in sealed refillable containers.

(3) The containers may be returned and at the time of refill shall be sealed by the pub-brewery licensee.

(4) A holder of a Class 6 pub-brewery license may not sell malt beverages to any retail alcoholic beverages licensee in this State for the purpose of a subsequent sale or distribution of that malt beverage under the retail license.

(h) In Montgomery County, a holder of a Class 6 pub-brewery license shall enter into a written agreement with the Department of Liquor Control for Montgomery County for the sale and resale of all malt beverages brewed under this license in accordance with this article.

(i) (1) This subsection applies only in Wicomico County.

(2) Before the Office of the Comptroller of this State may issue a pub-brewery license, it shall forward a copy of the application to the Board of License Commissioners. The Board shall review the application, hold a public hearing on the application, and recommend to the Office whether or not to grant the license.

(j) For Talbot County, the Office of the Comptroller of Maryland shall specify which local license is the equivalent of the Class B beer, wine and liquor license specified in subsection (a)(2) of this section.

§2-208.

(a) There is a Class 7 micro-brewery (on- and off-sale) license.

(b) The license shall be issued:

(1) By the State Comptroller;

(2) Only in the following jurisdictions:

(i) Allegany County;

(ii) Baltimore City;

(iii) Baltimore County;

(iv) The City of Annapolis;

(v) Anne Arundel County;

(vi) Calvert County;

(vii) Caroline County;

(viii) Carroll County;

(ix) Charles County;

(x) Dorchester County;

(xi) Frederick County;

(xii) Garrett County;

(xiii) Harford County;

(xiv) Howard County;

- (xv) Kent County;
- (xvi) Montgomery County;
- (xvii) Prince George’s County;
- (xviii) Queen Anne’s County;
- (xix) St. Mary’s County;
- (xx) Somerset County;
- (xxi) Talbot County;
- (xxii) Washington County;
- (xxiii) Wicomico County; and
- (xxiv) Worcester County;

(3) (i) Only to a holder of a Class B beer, wine and liquor (on–sale) license that is issued for use on the premises of a restaurant located in a jurisdiction listed in paragraph (2) of this subsection;

(ii) To a holder of a Class D beer (off–sale) license that is issued for use on the premises of the existing Class D license if the premises are located in Kent County or the Town of Berlin in Worcester County;

(iii) To a holder of a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license if the premises are located in:

- 1. The 22nd Alcoholic Beverages District of Prince George’s County;
- 2. Washington County;
- 3. Dorchester County; or
- 4. The 40th Alcoholic Beverages District of Baltimore City; or

(iv) To a holder of a Class MEC license that is issued for use on the premises of the existing Class MEC license if the premises are located in the Ballenger (23rd) election district in Frederick County; and

(4) In addition to item (3) of this subsection, in Montgomery County only to a holder of a Class H beer and light wine license that is issued for use on the premises of a restaurant located in the County or a Class D beer and light wine license.

(c) (1) (i) A holder of a Class 7 micro–brewery license:

1. May brew and bottle malt beverages at the license location;

2. May obtain a Class 2 rectifying license for a premises located within 1 mile of the existing Class 7 micro–brewery location to bottle malt beverages brewed at the micro–brewery location only;

3. May contract with the holder of a Class 2 rectifying license held under § 2–203 of this subtitle, a Class 5 brewery license, a Class 7 micro–brewery license, or a Class 8 farm brewery license, or the holder of a nonresident dealer’s permit to brew and bottle malt beverages on their behalf;

4. May store the finished product under an individual storage permit or at a licensed public storage facility for subsequent sale and delivery to a licensed wholesaler, an authorized person outside this State, and for shipment back to the micro–brewery location for sale on the retail premises;

5. Subject to subparagraph (ii) of this paragraph, may not collectively brew, bottle, or contract for more than:

A. Except as provided in item 2 of this item, 22,500 barrels of malt beverages each calendar year; or

B. In Wicomico County, 45,000 barrels of malt beverages each calendar year; and

6. May enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or wine and beer festival and the return of any unused beer if:

A. The beer festival or wine and beer festival is in a sales territory for which the holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act; and

B. The temporary delivery agreement is in writing.

(ii) A license holder that has licenses for two locations may not collectively brew, bottle, or contract for more than 22,500 barrels of malt beverages in aggregate from both of its locations each calendar year.

(2) A Class 7 licensee who wishes to produce more than the barrelage authorized under paragraph (1)(i)5 of this subsection shall divest of any Class B, D, or any other retail license and obtain a Class 5 manufacturer’s license.

(3) For the purposes of determining the barrelage limitation under paragraph (1)(i)5 of this subsection, any salable beer produced under contractual arrangements accrues only to the Class 7 micro–brewery licensee who is the brand owner.

(4) In Allegany County only, the holder of a Class 7 license:

(i) May brew in one location and may contract for the bottling of the malt beverage in another location; and

(ii) Need not meet the hotel/motel requirements for a Class B beer, wine and liquor licensee but shall meet the requirements for those Class B restaurants.

(5) (i) Subject to subparagraphs (ii), (iii), and (iv) of this paragraph, in Baltimore City only, the holder of a Class 7 license may:

1. Brew in two locations using the same license; and

2. Obtain a Class 2 rectifying license for the premises at the two locations authorized under item 1 of this subparagraph.

(ii) The holder of a Class 7 license may brew in two locations using the same license if the license holder:

1. Requests permission by submitting a written application to the State Comptroller; and

2. Obtains written approval from the State Comptroller.

(iii) Before authorizing a holder of a Class 7 license to brew in two locations using the same license, the State Comptroller shall:

1. Make a determination that a second location to brew additional capacity is necessary due to insufficient space at the existing Class 7 license location; and

2. Consider any other factor relevant to approval of the application.

(iv) Notwithstanding any other provision of this article, a holder of a Class 7 license may not serve or sell beer for on-premises or off-premises consumption at the second brewing location.

(d) (1) The on-sale privilege authorizes the holder, each calendar year, to sell at retail for on-premises consumption:

(i) Up to 4,000 barrels of beer brewed under this license; or

(ii) If the holder has licenses for two locations, beer that:

1. Totals annually up to 4,000 barrels in aggregate from both its locations; and

2. Has been brewed at the location where it is sold.

(2) The off-sale privilege authorizes the holder to sell and deliver beer brewed under this license to:

(i) Any wholesaler licensed under this article to sell beer in this State; or

(ii) Any person who is located in a state other than Maryland who is authorized under the laws of that state to receive brewed beverages.

(3) (i) This paragraph applies only in:

1. Allegany County;
2. The City of Annapolis;
3. Anne Arundel County;
4. Baltimore City;
5. Baltimore County;
6. Calvert County;
7. Caroline County;
8. Carroll County;
9. Charles County;
10. Dorchester County;
11. Frederick County;
12. Garrett County;
13. Harford County;
14. Howard County;
15. Kent County;
16. Montgomery County;
17. Prince George's County;
18. Queen Anne's County;
19. St. Mary's County;
20. Somerset County;

21. Talbot County;
22. Washington County;
23. Wicomico County; and
24. Worcester County.

(ii) The holder may sell at retail beer brewed under this license to customers for consumption off the licensed premises:

1. In refillable containers that are sealed by the micro-brewery licensee at the time of each refill; and
2. As prepackaged beer in nonrefillable containers.

(e) (1) This subsection does not apply in Allegany County or Frederick County.

(2) A holder of a Class 7 micro-brewery license:

(i) May not own, operate or be affiliated with any other manufacturer of beer except for a Class 2 rectifying license authorized by subsection (c)(1)(i)2 of this section; and

(ii) Notwithstanding § 2-201(b) of this subtitle, may not be granted a wholesale alcoholic beverages license.

(f) (1) Except as provided in paragraph (2) of this subsection, the hours and days for consumer sales under a Class 7 micro-brewery license are as established for:

(i) A Class B license in the respective jurisdictions listed in subsection (b)(2) of this section, for a holder of a Class B beer, wine and liquor license;

(ii) A Class D beer license in Worcester County, for a holder of a Class D beer license in the Town of Berlin in Worcester County;

(iii) A Class D license in Kent County; or

(iv) A Class D beer license in Dorchester County.

(2) For Class D licensees in the 22nd Alcoholic Beverages District in Prince George's County only, the hours and days for consumer sales under this license are as established for a Class D license in Prince George's County.

(3) For Class D licensees in Washington County, the hours and days for consumer sales under this license are as established for a Class D license in Washington County.

(g) In Montgomery County, a holder of a Class 7 micro–brewery license shall enter into a written agreement with the Department of Liquor Control for Montgomery County for the sale and resale of malt beverages brewed under this license in accordance with this article.

(h) For Talbot County, the Office of the Comptroller of Maryland shall specify which local license is the equivalent of the Class B beer, wine and liquor license specified in subsection (b)(3) of this section.

(i) In Carroll County, the distance restriction requirement for micro–breweries is found in § 9–207 of this article.

(j) (1) This subsection applies only in Washington County.

(2) The Comptroller may not issue a Class 7 micro–brewery license for a premises on property that has been leased unless the landlord of the property presents to the Comptroller a receipt or certificate showing that there are no unpaid taxes due to the State, a county, or any local government from the landlord or any entity in which the landlord has a direct or indirect interest that:

(i) Is proprietary; or

(ii) Has been obtained by a loan, mortgage, or lien, or in any other manner.

§2–209.

(a) (1) There is a Class 8 farm brewery license.

(2) Subject to paragraph (3) of this subsection, a Class 8 farm brewery license allows the licensee to sell and deliver beer manufactured in a facility on the licensed farm or in a facility other than one on the licensed farm to:

(i) A wholesaler licensed to sell and deliver beer in the State; or

(ii) A person in another state authorized to acquire beer.

(3) The beer to be sold and delivered under paragraph (2) of this subsection shall be manufactured with an ingredient from a Maryland agricultural product, including hops, grain, and fruit, produced on the licensed farm.

(4) A Class 8 farm brewery may be located only at the place stated on the license.

(5) Notwithstanding any local law, a licensee may exercise the privileges of a Class 8 farm brewery license.

(6) A licensee may:

(i) Sell beer produced by the licensee for consumption on the licensed farm;

(ii) In an amount not exceeding 6 fluid ounces per brand, provide samples of beer that the licensee produces to a consumer:

1. At no charge; or

2. For a fee; and

(iii) Sell or serve:

1. Bread and other baked goods;

2. Chili;

3. Chocolate;

4. Crackers;

5. Cured meat;

6. Fruits (whole and cut);

7. Salads and vegetables (whole and cut);

8. Hard and soft cheese (whole and cut);

9. Ice cream;

10. Jelly;

11. Jam;

12. Vinegar;

13. Pizza;

14. Prepackaged sandwiches and other prepackaged foods ready to be eaten;

15. Soup; and

16. Condiments.

(7) Subject to subsections (d) and (e) of this section, a licensee may exercise the privileges of the license each day during the following times:

(i) From 10 a.m. to 6 p.m., for consumption of beer and sales and

service of food at the licensed farm; and

(ii) From 10 a.m. to 10 p.m., for:

1. Sampling of beer;
2. Consumption of beer off the licensed farm if the beer is packaged in sealed or resealable containers, such as growlers; and
3. Guests who attend a planned promotion event or other organized activity at the licensed farm.

(8) (i) Except as provided in subparagraph (ii) of this paragraph, a Class 8 farm brewery license allows the licensee to operate 7 days a week.

(ii) In Garrett County, a licensee may open on Sundays during the hours allowed under § 11–512(c)(3) of this article to engage in the activities listed in paragraph (3) of this subsection only in an election district or a precinct in an election district where the voters, in a referendum authorized by law, have approved Sunday sales at a farm.

(9) Except as provided under subsection (d) of this section, a licensee may not sell or allow to be consumed at the location of the farm brewery any alcoholic beverage other than the beer produced by the licensee under the authority of this section.

(10) Nothing in this subsection limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a licensee.

(b) The place listed on the Class 8 farm brewery license shall be in compliance with § 9–103 of this article.

(c) A licensee may:

(1) Store on its licensed farm, in a segregated area approved by the Comptroller, beer produced at the licensed farm for sale and delivery to a wholesaler licensed in the State or a person outside of the State authorized to acquire the beer;

(2) Brew, bottle, or contract for not more than 15,000 barrels of beer each calendar year;

(3) Contract with the holder of a Class 2 rectifying license, a Class 5 brewery license, or a Class 7 micro–brewery license to brew and bottle beer from ingredients produced on the licensed farm;

(4) Import, export, and transport its beer in accordance with this section;

(5) Store beer at a warehouse for which the licensee has been issued an individual storage permit, for sale and delivery to a wholesaler licensed in the State or a person outside of the State authorized to acquire the beer, or shipment back to the licensed farm, if:

(i) The licensee does not serve or sell beer at the warehouse; and

(ii) The Comptroller has full access at all times to the warehouse to enforce this article; and

(6) Enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or wine and beer festival and the return of any unused beer if:

(i) The beer festival or wine and beer festival is in a sales territory for which the holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act; and

(ii) The temporary delivery agreement is in writing.

(d) (1) A licensee may sponsor a multibrewery activity at the licensed farm that:

(i) Includes the products of other Maryland breweries; and

(ii) Provides for the sale of beer by the glass for consumption on the premises only.

(2) In a segregated area approved by the Comptroller on the licensed farm, a licensee may store the products of other Maryland breweries for the multibrewery activity.

(3) The multibrewery activity:

(i) May be held from 10 a.m. to 10 p.m. each day; and

(ii) May not exceed 3 consecutive days.

(e) (1) The Office of the Comptroller may issue a special brewery promotional event permit to a licensee.

(2) At least 15 days before holding a planned promotional event, the licensee shall obtain a permit from the Comptroller by filing a notice of the promotional event on the form that the Comptroller provides.

(3) The permit authorizes the licensee to conduct at the licensed farm a promotional event at which the licensee may:

(i) Provide samples of not more than 6 fluid ounces per brand to

consumers; and

(ii) Sell beer produced by the licensee to persons who participate in the event.

(4) The beer at the event shall be sold by the glass and for consumption on the premises only.

(5) The licensee may not be issued more than 12 permits in a calendar year.

(6) A single promotional event:

(i) May be held from 10 a.m. to 10 p.m. each day; and

(ii) May not exceed 3 consecutive days.

(7) The permit fee is \$25 per event.

§2-301.

(a) (1) The annual fees for the following classes of wholesaler's licenses are:

Class 1	Beer, wine and liquor.....	\$ 2,000
Class 2	Wine and liquor.....	1,750
Class 3	Beer and wine	1,500
Class 4	Beer.....	1,250
Class 5	Wine.....	1,250
Class 6	Limited wine	50
Class 7	Limited beer	50

(2) Upon approval of the application:

(i) A Class 1 wholesale licensee may use additional locations for the warehousing, sale and delivery of beer, wine and liquor upon the payment of an additional fee of \$2,000 for each additional location.

(ii) A Class 2 wholesale licensee may use additional locations for the warehousing, sale and delivery of wine and liquor upon the payment of an additional fee of \$1,750 for each additional location.

(iii) A Class 3 wholesale licensee may use additional locations for the warehousing, sale and delivery of beer and wine upon the payment of an additional fee of \$1,500 for each additional location.

(iv) A Class 4 wholesale licensee may use additional locations for the warehousing, sale and delivery of beer upon the payment of an additional fee of \$1,250 for each additional location.

(v) A Class 5 wholesale licensee may use additional locations for the warehousing, sale and delivery of wine upon the payment of an additional fee of \$1,250 for each additional location.

(vi) A Class 6 limited wine wholesale licensee may use additional locations for the warehousing, sale and delivery of wine upon the payment of an additional fee of \$50 for each additional location.

(vii) A Class 7 limited beer wholesale licensee may use additional locations for the warehousing, sale, and delivery of beer on the payment of an additional fee of \$50 for each additional location.

(b) (1) Except as otherwise provided in this subsection, a wholesaler's license issued in accordance with the fee paid entitles the holder to acquire the alcoholic beverages indicated on the license from licensees and holders of nonresident dealer's permits and resident dealer's permits authorized by this State to make the sales and deliveries. The license authorizes the sale and delivery of those alcoholic beverages from the licensed premises to licensees and permit holders in Maryland and to persons outside of this State.

(2) A Class 6 limited wine wholesaler's license shall be issued only to a wine manufacturer that:

(i) Produces not more than 27,500 gallons of its own wine annually;
and

(ii) Holds a Class 4 limited winery manufacturer's license issued under this article.

(3) A person who holds a Class 6 limited wine wholesaler's license, on approval of the application and payment of the fee:

(i) May sell and deliver its own brand of wine produced at the licensee's premises to a retail licensee or permit holder in the State authorized to acquire the wine; and

(ii) May not sell its wine to a licensed wholesaler.

(4) A Class 7 limited beer wholesaler's license shall be issued only to a person that:

(i) Produces in aggregate from all its locations not more than 22,500 barrels of beer annually; and

(ii) Holds a Class 5 manufacturer's license, Class 7 micro-brewery license, or Class 8 farm brewery license.

(5) On approval of the application and payment of the fee, a holder of a Class 7 limited beer wholesaler's license may:

(i) Sell and deliver its own beer produced at the holder's premises to a retail license holder or permit holder in the State authorized to acquire the beer; and

(ii) Distribute not more than 3,000 barrels of its own beer annually.

(6) In Allegany County the holder of a Class 1 or Class 2 wholesaler's license may not sell liquor in any size container smaller than 23 ounces or 680 milliliters to any holder of a special permit issued under § 7-101(h) of this article.

(7) A wholesaler's license of the appropriate class authorizes the holder to directly import beer, wine, or distilled spirits from sources outside the continental limits and possessions of the United States. However, any wholesale licensee that imports for subsequent distribution in or outside the State of Maryland shall be:

(i) The brand owner;

(ii) A wholesale licensee that purchases directly from the brand owner or the authorized agent of the brand owner; or

(iii) A wholesale licensee that purchases from the authorized United States importer.

(8) Paragraph (7) of this subsection only applies if the wholesale licensee's jurisdiction and authority to sell has been submitted to the Comptroller by the brand owner.

(c) The holder of a Class 1, Class 2 or Class 3 wholesaler's license, upon approval of application and the payment of the fee, may obtain more than one such license provided separate records are kept.

(d) Delivery from a truck or vehicle under the exclusive control of the holder of a wholesaler's license of beer previously purchased by and delivered to the license holder constitutes delivery from his place of business within the meaning of this section.

(e) Delivery from a truck or vehicle under the exclusive control of the holder of a wholesaler's license of wine or a wine-based beverage constitutes delivery from the wholesaler's place of business within the meaning of this section if:

(1) The wholesaler has a license to sell wine; and

(2) The wine or wine-based beverage has an alcoholic content by volume of 6.5 percent or less.

(f) (1) This subsection does not apply to a nonresident winery permit holder.

(2) Before any sale and delivery to a retail licensee, any alcoholic beverages acquired by a wholesaler from any source shall first come to rest on the licensed premises of the wholesaler.

(g) (1) This subsection applies in Montgomery County.

(2) The Department of Liquor Control may sell its inventory through county liquor dispensaries at wholesale and retail and through retail outlets operated by individuals with whom the Department contracts under § 15–203(d) of this article.

(3) Notwithstanding any other provision of law, this article may not be interpreted to prohibit the sale of alcoholic beverages in whole cases or in individual bottles by the director of the Department of Liquor Control, through county liquor dispensaries selling at wholesale or retail, to a licensee in Montgomery County.

(4) The Department of Liquor Control may not sell alcoholic beverages at different prices to different licensees or classes of licensees.

§2–401.

(a) An individual applicant, an applicant qualifying as a resident applicant for a corporation, or each applicant for a partnership applying for a manufacturer's or wholesaler's license shall have been a resident of this State for 2 years immediately preceding the filing of the application.

(b) Except as provided in subsection (c) of this section, a holder of a manufacturer's or wholesaler's license may not sell or deliver alcoholic beverages to any person in this State other than a licensee or permit holder, except as provided in § 7–101(c) of this article.

(c) Nothing in this section prevents a holder of a Class 4 limited wine manufacturer's license and a Class 6 limited wine wholesaler's license from holding a license issued under the authority of Title 4, Subtitle 2 of this article.

§2–402.

(a) In addition to any license fee otherwise required under this article:

(1) An applicant for initial issuance of a license issued by the Comptroller under Subtitle 2 or 3 of Title 2 of this article shall pay to the Comptroller a nonrefundable application fee of \$200; and

(2) An applicant for renewal of a license issued by the Comptroller under Subtitle 2 or 3 of Title 2 of this article shall pay to the Comptroller a renewal fee of \$30.

(b) The application and renewal fees required under this section do not apply

to a license for which a license fee is not otherwise required under this article.

§3-101.

(a) (1) A Class A beer license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer at retail in any quantity to any consumers at the place described in the license. The holder shall deliver the beer in a sealed package or container, which may not be opened nor its contents consumed on the premises where sold.

(2) The annual fee for the license shall be paid to the local collecting agent before any license is issued, for distribution as provided.

(b) (1) In Allegany County the annual fee is \$125.

(2) The package or container may not be opened nor its contents consumed on any premises in which the licensee has any direct or indirect interest.

(c) This section does not apply in Anne Arundel County.

(d) This section does not apply in Baltimore City.

(e) This section does not apply in Baltimore County.

(f) In Calvert County the annual license fee is \$150.

(g) In Caroline County the annual license fee is \$250.

(h) In Carroll County the annual license fee is:

(1) From July 1, 2014, to June 30, 2017, \$200; and

(2) Beginning on July 1, 2017, \$250.

(i) In Cecil County the annual license fee is \$60.

(j) This section does not apply in Charles County.

(k) In Dorchester County the annual license fee is \$200.

(l) In Frederick County the annual license fee is \$100.

(m) (1) In Garrett County the annual license fee is \$150.

(2) A new-license issuing fee is an additional \$150. The new-license issuing fee shall be paid in addition to the annual license fee.

(n) This section does not apply in Harford County.

(o) In Howard County the annual license fee is \$150.

(p) In Kent County the annual license fee is \$150.

(q) (1) In Montgomery County the annual license fee is \$200.

(2) (i) In this paragraph (2), “establishment” means a bowling alley, billiard hall, or drugstore or a restaurant located within these businesses.

(ii) A license may not be issued to, or for use in conjunction with, or upon the premises of any establishment or for use upon any premises which has a door, archway, opening or other passageway providing direct public access to any establishment.

(r) In Prince George’s County the annual license fee is \$245.

(s) In Queen Anne’s County the annual license fee is \$250.

(t) In St. Mary’s County the annual license fee is \$200.

(u) (1) This subsection applies in Somerset County.

(2) The annual license fee for a 6 day license is \$126.

(3) The annual license fee for a 7 day license is \$158.

(4) A person may not hold a license under the provisions of this section upon any premises having any direct or indirect connection with any drug or pharmaceutical dispensing business, or other business establishments of a type commonly known as or referred to as drugstore.

(v) (1) In Talbot County the annual license fee is \$25.

(2) Section 18-101 of this article permits the Talbot County Council to provide for the retail alcoholic beverage laws for the county which, if enacted, supersede the provisions of this article.

(w) In Washington County the annual license fee is \$100.

(x) (1) This subsection applies in Wicomico County.

(2) The annual license fee for a six day license is \$175.

(3) The annual license fee for a seven day license is \$275.

(4) A person may not hold a license under the provisions of this subsection upon any premises having any direct or indirect connection with any drug or pharmaceutical, or other business establishments of a type commonly known as or referred to as drugstore.

- (y) (1) This subsection applies in Worcester County.
- (2) The annual 6 day license fee is \$225.
- (3) The annual 7 day license fee is \$250.
- (4) The hours for sale are as provided in § 11-524 of this article.

§3-201.

(a) (1) A Class B license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer at retail at any hotel or restaurant at the place described in the license for consumption on the premises or elsewhere.

(2) The annual fee for the license shall be paid to the local collecting agent before any license is issued, for distribution as provided.

- (b) This section does not apply to Allegany County.
- (c) This section does not apply in Anne Arundel County.
- (d) This section does not apply to Baltimore City.
- (e) This section does not apply to Baltimore County.
- (f) In Calvert County the annual license fee is \$250.
- (g) In Caroline County the annual license fee is \$250.
- (h) In Carroll County the annual license fee is \$130.
- (i) In Cecil County the annual license fee is \$75.
- (j) This section does not apply in Charles County.
- (k) In Dorchester County the annual license fee is \$250.
- (l) (1) This subsection applies only in Frederick County.
- (2) The annual license fee is \$130.

(3) (i) The area of the licensed premises normally used as a restaurant for the preparation and consumption of food and beverages on the premises may occupy no less than 80 percent of the square foot area, except for recreational use premises such as bowling alleys and pool halls.

(ii) The provisions of this paragraph of this subsection do not apply to or affect any licensee that had a license on December 31, 1993, or to any person who

has a permit for a building that was under construction on that date.

(m) (1) This subsection applies only in Garrett County.

(2) The Board of License Commissioners may issue a Class B beer license for use in:

(i) A bona fide hotel, motel, or inn that:

1. Accommodates the public;
2. Provides services ordinarily found in hotels, motels, or inns;
3. Is equipped with at least 10 bedrooms for public accommodation; and
4. Has a lobby with a registration and mail desk and seating facilities; or

(ii) A restaurant that:

1. Has a seating capacity at tables, not including seats at bars or counters, for at least 20 persons; and
2. Can prepare and serve full-course meals for at least 20 persons at one seating.

(3) The Board of License Commissioners may issue the license with or without a catering option.

(4) A holder of a license without a catering option may sell beer for consumption on or off the licensed premises.

(5) (i) In addition to exercising the privileges stated in paragraph (4) of this subsection, a holder of the license with a catering option may keep for sale and sell beer for consumption at events that the holder caters off the licensed premises.

(ii) To exercise the catering option, a holder of a license:

1. Shall provide food if the holder provides beer at a catered event off the licensed premises; and
2. May exercise the catering option only during the hours and days that are allowed under the license.

(6) For a license without a catering option:

(i) The issuing fee is \$150; and

(ii) The annual fee is \$150.

(7) For a license with a catering option:

(i) The issuing fee is \$250; and

(ii) The annual fee is \$250.

(8) The Board of License Commissioners may adopt regulations to carry out this subsection.

(n) This section does not apply in Harford County.

(o) (1) In Howard County the annual license fee is \$150.

(2) A restaurant as defined in § 1-102(a)(22) of this article may apply for a Class B beer license.

(p) In Kent County the annual license fee is \$300.

(q) (1) In Montgomery County the annual license fee is \$250.

(2) (i) In this paragraph (2), “establishment” means a bowling alley, billiard hall, or drugstore or a restaurant located within these businesses.

(ii) A license may not be issued to, or for use in conjunction with, or upon the premises of any establishment or for use upon any premises which has a door, archway, opening or other passageway providing direct public access to any establishment.

(r) (1) In Prince George’s County the annual license fee is \$365.

(2) Notwithstanding the provisions of subsection (a) of this section, the Board of License Commissioners for Prince George’s County may not issue any Class B beer license with other than the privilege of selling beer for consumption on the licensed premises (on-sale only). However, licensees holding this class of license prior to July 1, 1975, who have been exercising the privilege of selling beer for consumption off the licensed premises may continue to exercise this privilege.

(s) In Queen Anne’s County the annual license fee is \$250.

(t) This section does not apply to St. Mary’s County.

(u) In Somerset County the annual license fee is \$253.

(v) (1) In Talbot County the annual license fee is \$250.

(2) Section 18-101 of this article permits the Talbot County Council to provide for the retail alcoholic beverage laws for the county which, if enacted, supersede

the provisions of this article.

(w) In Washington County, the annual license fee for a license with:

(1) On-sale privileges, as provided for under § 8-222.1 of this article, is \$50; or

(2) On- and off-sale privileges is \$350.

(x) (1) In Wicomico County the annual license fee is \$275.

(2) (i) This license may be issued only for a hotel or restaurant that has the average daily receipts from the sale of food for each month exceed the average daily receipts from the sale of alcoholic beverages.

(ii) In calculating average daily receipts from the sale of food, an allocation of foodstuff contained in a mixed drink may not be included in average daily receipts from the sale of food.

(y) (1) This subsection applies in Worcester County.

(2) The annual six-day license fee is \$275.

(3) The annual seven-day license fee, applied countywide (exclusive of the tenth election district), is \$350.

(4) The annual seven-day license fee, for the tenth election district only, is \$350.

(5) The hours for sale are as provided in § 11-524 of this article.

§3-202.

(a) This section applies only in Montgomery County.

(b) In this section, "Board" means the Board of License Commissioners.

(c) (1) (i) For a Class H license, the annual license fee is \$400.

(ii) For a Class H-TP license issued pursuant to subsection (g) of this section, the annual license fee is \$400. A Class H-TP licensee may not be charged for such a license until May 1, 1998.

(2) The fee shall be paid before the license is issued.

(d) Subject to § 9-102.2 of this article, a Class H beer license may be issued by the Board. It authorizes the licensee to keep for sale and sell beer at retail at any hotel or restaurant at the place described in the license, for consumption on the premises.

(e) The license may not be issued to, or for use in conjunction with, or upon the premises of any restaurant located within a drugstore or for use upon any premises which has a door, archway, opening or other passageway providing direct public access to any drugstore.

(f) (1) A Class H beer license may be issued for the use of a bowling establishment if the bowling establishment:

- (i) Has at least 24 lanes; and
- (ii) Is equipped with automatic pin setters.

(2) The licensee may sell beer:

- (i) For on-premises consumption only; and
- (ii) During the hours and days established for this license.

(g) The Board shall issue one Class H-TP license to a person who, on June 30, 1997, both held a Class B beer license and operated a licensed premises that was located in that portion of the City of Takoma Park that was formerly part of Prince George's County.

§3-301.

(a) (1) A Class C beer license shall be issued by the local licensing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer at retail to bona fide members and their guests, at any club, at the place described in the license for consumption on the premises only.

(2) The annual fee for the license shall be paid to the local collecting agent before any license is issued, for distribution as provided.

(b) (1) In Allegany County the annual license fee is \$150.

(2) Beer sold pursuant to this license may be consumed on the premises or elsewhere.

(c) This section does not apply in Anne Arundel County.

(d) This section does not apply in Baltimore City.

(e) This section does not apply in Baltimore County.

(f) In Calvert County the annual license fee is \$50.

(g) In Caroline County the annual license fee is \$250.

(h) In Carroll County the annual license fee is \$50.

- (i) In Cecil County the annual license fee is \$75.
- (j) This section does not apply in Charles County.
- (k) In Dorchester County the annual license fee is \$250.
- (l) In Frederick County the annual license fee is \$50.
- (m) This section does not apply in Garrett County.
- (n) This section does not apply in Harford County.
- (o) (1) In Howard County the annual license fee is \$25.

(2) (i) The license shall be issued only to a club composed exclusively:

- 1. Of members who served in the armed forces of the United States;
- 2. Which is affiliated with a national organization; and
- 3. Which has 75 or more bona fide members who paid dues as required by its national organization in the year immediately preceding the year for which the license is issued.

(ii) At least 75 percent of the members of the club shall have resided in Howard County for at least 2 years immediately preceding the date of the application for the license. The club shall also have maintained a post in the county for at least 3 years immediately preceding the date of the application.

- (p) This section does not apply in Kent County.
- (q) In Montgomery County the annual license fee is \$50.
- (r) In Prince George's County the annual license fee is \$245.
- (s) (1) In Queen Anne's County the annual license fee is \$50.

(2) (i) The license shall be issued to any local unit of a nationwide bona fide nonprofit organization or club:

- 1. Which is composed solely of members who served in the armed forces of the United States in any war in which the United States has engaged;
- 2. Which has a charter from a national veterans' organization prior to the time of making application for this license; and
- 3. Which operates solely for the use of its own members and their guests, when the guest is accompanied by the member.

(ii) The license shall be issued only to a bona fide yacht club, golf club, fraternal club or order, country club, social or recreational club:

1. Which is not operated for profit;
2. Which has had for one year immediately preceding the year for which the license is issued 50 or more bona fide adult members who paid dues of not less than \$25 per annum;
3. Which owns or operates a clubhouse or meeting rooms that have facilities for preparing and serving food on the premises;
4. Which are principally used for members and their guests, when the guests are accompanied by members; and
5. Which is not directly or indirectly owned or operated as a public business.

(t) This section does not apply in St. Mary's County.

(u) In Somerset County the annual license fee is \$32.

(v) (1) In Talbot County the annual license fee is \$25.

(2) Section 18-101 of this article permits the Talbot County Council to provide for the retail alcoholic beverage laws for the county which, if enacted, supersede the provisions of this article.

(w) In Washington County the annual license fee is \$100.

(x) In Wicomico County the annual license fee is \$75.

(y) (1) In Worcester County the annual license fee is \$150.

(2) The hours for sale shall be as provided in § 11-524 of this article.

§3-401.

(a) (1) A Class D beer license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer at retail at the place described in the license. The beer may be consumed on the premises or elsewhere, but a license may not be issued for any drugstore.

(2) The annual fee for the license shall be paid to the local collecting agent before any license is issued, for distribution as provided.

(b) In Allegany County the annual license fee is \$200.

- (c) This section does not apply in Anne Arundel County.
- (d) This section does not apply to Baltimore City.
- (e) This section does not apply to Baltimore County.
- (f) In Calvert County the annual license fee is \$1,000.
- (g) In Caroline County the annual license fee is \$300.
- (h) In Carroll County the annual license fee is \$250.
- (i) In Cecil County the annual license fee is \$200.
- (j) (1) In Charles County the annual license fee is \$240.
(2) In addition to the annual license fee, a license holder shall annually pay:
 - (i) \$200, if the license holder provides live entertainment; and
 - (ii) \$200, if the license holder provides outdoor table service.
- (k) In Dorchester County the annual license fee is \$250.
- (l) This section does not apply in Frederick County.
- (m) (1) In Garrett County the annual license fee is \$150.
(2) A new-license issuing fee is an additional \$150. The new-license issuing fee shall be paid in addition to the annual license fee.
- (n) This section does not apply in Harford County.
- (o) In Howard County the annual license fee is \$150.
- (p) In Kent County the annual license fee is \$300.
- (q) (1) In Montgomery County the annual license fee is \$250.
(2) (i) In this paragraph (2), “establishment” means a bowling alley, billiard hall, or drugstore or a restaurant located within these businesses.
(ii) A license may not be issued to, or for use in conjunction with, or upon the premises of any establishment or for use upon any premises which has a door, archway, opening or other passageway providing direct public access to any establishment.
- (r) In Prince George’s County the annual license fee is \$365.

(s) In Queen Anne's County the annual license fee is \$250.

(t) (1) This subsection applies in St. Mary's County.

(2) The 6-day (Sundays excluded) annual license fee is \$200.

(3) The 7-day (Sundays included) annual license fee is \$250.

(u) In Somerset County the annual license fee is \$253.

(v) (1) This section does not apply in Talbot County.

(2) Section 18-101 of this article permits the Talbot County Council to provide for the retail alcoholic beverage laws for the county which, if enacted, supersede the provisions of this article.

(w) In Washington County the annual license fee is \$100.

(x) In Wicomico County the annual license fee is \$275.

(y) (1) This subsection applies in Worcester County.

(2) The six-day annual license fee is \$325.

(3) The seven-day annual license fee, applied countywide, is \$450.

(4) The hours for sale are as provided in § 11-524 of this article.

§3-402.

(a) This section applies only in Harford County.

(b) There is a Class DBR license.

(c) (1) The Board of License Commissioners may issue a Class DBR license to a holder of a Class 5 manufacturer's (brewery) license.

(2) A Class DBR license serves as the on-site consumption permit and the license equivalent to a Class D license specified under § 2-206(b)(2)(i) and (iii) of this article.

(3) A holder of a Class DBR license is not required to sell food, but is required to provide prepackaged snacks.

(d) A holder of a Class DBR license:

(1) May sell beer brewed at the brewery not exceeding 500 barrels per year for on-premises consumption; but

(2) May not sell any beer for off-premises consumption other than what is allowed under the license holder's Class 5 manufacturer's (brewery) license.

(e) The value of the equipment used on the premises may be used toward meeting any minimum capital investment requirement imposed on a holder of a Class DBR license.

(f) The hours of sale are as provided under § 11-513 of this article.

(g) The annual license fee is \$500.

§4-101.

(a) In the jurisdictions listed in this section, "light wine" is a fermented beverage that contains not in excess of 15.5 percent of alcohol by volume unless another percentage is listed.

(b) Allegany County.

(c) Anne Arundel County.

(d) Baltimore City.

(e) Baltimore County -- 22 percent.

(f) Calvert County.

(g) Caroline County -- 22 percent.

(h) Carroll County -- 22 percent.

(i) Cecil County -- 22 percent.

(j) Charles County.

(k) Dorchester County -- 22 percent.

(l) Frederick County -- 22 percent.

(m) Garrett County -- 22 percent.

(n) Harford County -- 23 percent.

(o) Howard County.

(p) Kent County -- 22 percent.

(q) Montgomery County -- 22 percent (includes naturally fermented or fortified wines).

- (r) Prince George's County.
- (s) Queen Anne's County -- 22 percent.
- (t) St. Mary's County -- 22 percent.
- (u) Somerset County -- 22 percent.
- (v) Talbot County -- 22 percent.
- (w) Washington County.
- (x) Wicomico County -- 22 percent.
- (y) Worcester County -- 22 percent.

§4-201.

- (a) A Class A light wine license may be issued only in:
 - (1) Anne Arundel County;
 - (2) Baltimore County;
 - (3) Calvert County;
 - (4) Caroline County;
 - (5) Carroll County;
 - (6) Cecil County;
 - (7) Dorchester County;
 - (8) Frederick County;
 - (9) Garrett County;
 - (10) Harford County;
 - (11) Howard County;
 - (12) Kent County;
 - (13) Montgomery County;
 - (14) Prince George's County;
 - (15) Queen Anne's County;

- (16) St. Mary's County;
- (17) Somerset County;
- (18) Talbot County;
- (19) Washington County;
- (20) Wicomico County; and
- (21) Worcester County.

(b) (1) Except as otherwise provided in this subsection, the annual fee for this license is \$50.

(2) In Montgomery County the annual license fee is \$100.

(3) In Garrett County, the issuing fee for this license is \$50.

(4) In Harford County, the annual fee for this license is \$100.

(5) In Caroline County, the annual fee for this license shall be set by the Board of License Commissioners with the approval of the Board of County Commissioners.

(6) In Somerset County, the annual fee for this license is \$63.

(7) In Anne Arundel County the annual fee for this license is \$60.

(8) In Baltimore County, the fee for this license is \$100.

(c) (1) A Class A light wine license may be issued by the license issuing authority of the county in which the place of business is located to any holder of a Class 4 manufacturer's license.

(2) A winery in Cecil County that applies for a Class A/Class 4 license is exempt from any quotas established by the Cecil County Board of License Commissioners as to the number of licenses in the election district where the winery is located.

(3) A winery in Baltimore County that applies for a Class A/Class 4 license is exempt from any quotas established by the Baltimore County Board of License Commissioners as to the number of licenses in the election district where the winery is located.

(4) A winery in Prince George's County that applies for a Class A/Class 4 license is exempt from any quotas established by the Prince George's County Board of License Commissioners as to the number of licenses in the election district where the winery is located.

(d) (1) The license authorizes the holder to keep for sale and to sell light wines produced at the winery in any quantity to any consumer at retail at the place described in the license. The light wine shall be delivered in a sealed package or container which may not be opened or the contents consumed on the licensed premises.

(2) In Montgomery County the licensee may not make more than 20,000 gallons of on-premises sales per year.

(3) In Frederick County and Baltimore County, the licensee may keep for sale and sell light wines and ports that contain not in excess of 21 percent of alcohol by volume produced at the winery in any quantity to any consumer at retail at the place described in the license.

(4) (i) Notwithstanding any other provision of law to the contrary, in Harford County, the licensee may keep for sale and sell light wines and port wines produced at the winery in accordance with the provisions of subparagraph (ii) of this paragraph.

(ii) The light wines and port wines under the provisions of subparagraph (i) of this paragraph:

1. May not exceed 23 percent of alcohol by volume;
2. May be sold in any quantity to a consumer; and
3. Shall be sold at retail at the place described in the license.

(e) (1) This subsection applies only in the following counties:

- (i) Anne Arundel County;
- (ii) Baltimore County;
- (iii) Frederick County;
- (iv) Garrett County;
- (v) Harford County;
- (vi) Kent County;
- (vii) Somerset County;
- (viii) Talbot County; and
- (ix) Washington County.

(2) A Class A light wine license may be issued to a holder of a Class 3 manufacturer's license, who makes wine from agricultural products grown in

Maryland.

§4-202.

- (a) This section applies only in Baltimore City.
- (b) The annual license fee is \$250.
- (c) The Board of License Commissioners may issue Class A2 light wine (on- and off-sale) licenses.
- (d) To qualify for a Class A2 light wine (on- and off-sale) license, the applicant shall be a holder:
 - (1) Of a Class 3 winery manufacturer's license in Baltimore City or a Class 4 limited winery manufacturer's license in Baltimore City; and
 - (2) Who makes and bottles wine made from Maryland agriculture products.
- (e) The privileges of a holder of a Class A2 light wine license are as follows:
 - (1) The (off-sale) privilege authorizes the holder to sell at retail the wine produced or bottled on the winery premises for off-premises consumption only; and
 - (2) The (on-sale) privilege authorizes the holder to sell at retail the wine produced or bottled on the winery premises by the drink in a restaurant owned and operated by the holder of the winery license that is located immediately adjacent to the winery premises.
- (f) Wine taxes shall be imposed as provided under Title 5 of the Tax - General Article.
- (g) The Board of License Commissioners shall establish the days and hours of sale under this license.

§4-204.

- (a) This section applies only in Kent County.
- (b) The Board of License Commissioners may issue a Class A light wine license which authorizes the licensee to keep for sale, and to sell, light wines at retail, in any quantity to any consumer, at the place described in the license. The light wine may be delivered in a sealed package or container, which package or container may not be opened or its contents consumed on the premises where sold.
- (c) The annual license fee is \$150 and shall be paid to the Board before any license is issued.

§4-301.

- (a) This section applies only in Kent County.
- (b) There is a Class B wine shop and lounge license.
- (c) The license authorizes the holder to:
 - (1) Sell wine for consumption on and off the premises; and
 - (2) Sell or serve:
 - (i) Bread and other baked goods;
 - (ii) Chili;
 - (iii) Chocolate;
 - (iv) Crackers;
 - (v) Cured meat;
 - (vi) Fruits (whole and cut);
 - (vii) Salads and vegetables (whole and cut);
 - (viii) Hard and soft cheese (whole and cut);
 - (ix) Ice cream;
 - (x) Jelly;
 - (xi) Jam;
 - (xii) Vinegar;
 - (xiii) Pizza;
 - (xiv) Prepackaged sandwiches and other prepackaged foods ready to be eaten;
 - (xv) Soup; and
 - (xvi) Condiments.
- (d) The license holder is not subject to any requirement regarding the percentage of average daily receipts derived from the sale of food.
- (e) An individual under the legal drinking age may enter the licensed premises.

- (f) The annual license fee is \$300.

§5–101.

(a) (1) A Class A beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer and light wines at retail, in any quantity to any consumers, at the place described in the license. The holder shall deliver the beer and light wines in a sealed package or container, which package or container may not be opened nor its contents consumed on the premises where sold.

(2) The annual fee for the license shall be paid to the local collecting agent before any license is issued, for distribution as provided.

- (b) (1) In Allegany County the annual license fee is \$150.

(2) The package or container may not be opened nor its contents consumed on any premises in which the licensee has any direct or indirect interest.

- (c) (1) In Anne Arundel County the annual license fee is \$240.

(2) This section does not apply in the City of Annapolis.

- (d) In Baltimore City the annual license fee is \$110.

- (e) In Baltimore County the annual license fee is \$250.

- (f) In Calvert County the annual license fee is \$300.

- (g) (1) This subsection applies only in Caroline County.

(2) The 6-day annual license fee is \$600.

(3) The 7-day annual license fee is \$900.

- (h) In Carroll County the annual license fee is:

(1) From July 1, 2014, to June 30, 2017, \$340; and

(2) Beginning on July 1, 2017, \$500.

- (i) In Cecil County the annual license fee is \$75.

- (j) This section does not apply to Charles County.

- (k) In Dorchester County the annual license fee is \$250.

- (l) In Frederick County the annual license fee is \$140.

(m) (1) In Garrett County the annual license fee is \$350.

(2) A new-license issuing fee is an additional \$350. The new-license issuing fee shall be paid in addition to the annual license fee.

(n) (1) This subsection applies in Harford County.

(2) (i) The annual license fee for a six day, Monday through Saturday, license is \$625.

(ii) The annual license fee for a seven day license is \$850.

(3) (i) In this paragraph, “premises” includes any building, parking lot, terrace, or grounds which form an integral part of the licensed premises.

(ii) The licenses shall be granted by the Liquor Control Board only to proprietors of bona fide retail stores selling food, drugs, or other similar commodities.

(iii) These licenses authorize the licensee to sell for consumption off the premises only fermented beverages, including split bottles and brewed beverages. Brewed beverages sold in bottles or cans for consumption off the premises may be sold individually.

(o) In Howard County the annual license fee is \$175.

(p) In Kent County the annual license fee is \$350.

(q) (1) In Montgomery County the annual license fee is \$250.

(2) (i) In this paragraph, “establishment” means a bowling alley, billiard hall, or drugstore or a restaurant located within these businesses.

(ii) Except as otherwise provided in this subsection, this license may not be issued to, or for use in conjunction with, or upon the premises of any establishment or for use upon any premises which has a door, archway, opening or other passageway providing direct public access to any establishment.

(3) Paragraph (2) of this subsection does not apply to the renewal of this license for use on the premises of a supermarket that:

(i) Includes a drugstore; and

(ii) Holds a license under § 9-102(a-1) of this article.

(r) In Prince George’s County the annual license fee is \$245.

(s) In Queen Anne’s County the annual license fee is \$500.

(t) (1) In St. Mary’s County the annual license fee is \$350.

(2) This license is designated as a Class A-3 beer and light wine license.

(u) (1) This subsection applies only in Somerset County.

(2) The annual license fee for a 6 day license is \$190.

(3) The annual license fee for a 7 day license is \$221.

(4) A person may not hold a license under the provisions of this subsection upon any premises having any direct or indirect connection with any drug or pharmaceutical, or other business establishments of a type commonly known as or referred to as drugstore.

(v) (1) This section does not apply in Talbot County.

(2) Section 18-101 of this article permits the Talbot County Council to provide for the retail alcoholic beverage laws for the county which, if enacted, supersede the provisions of this article.

(w) In Washington County the annual license fee is \$150.

(x) (1) This subsection applies only in Wicomico County.

(2) The annual license fee for a six day license is \$275.

(3) The annual license fee for a seven day license is \$350.

(4) A person may not hold a license under the provisions of this subsection upon any premises having any direct or indirect connection with any drug or pharmaceutical, or other business establishments of a type commonly known as or referred to as drugstore.

(y) (1) This subsection applies only in Worcester County.

(2) The annual license fee for a six-day license is \$250.

(3) The annual license fee for a seven-day license, applied countywide is \$300.

§5-201.

(a) (1) A Class B beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises or elsewhere.

(2) The annual fee shall be paid to the local collecting agent before any license is issued.

- (b) This section does not apply in Allegany County.
- (c) (1) This subsection applies only in Anne Arundel County.
 - (2) The annual license fee for a Class B beer and light wine license is \$480.
- (d) In Baltimore City the annual license fee is \$165.
- (e) (1) In Baltimore County the annual license fee is \$300.
 - (2) The area of the licensed premises normally used as a restaurant for the preparation and consumption of food and beverage on the premises may occupy no less than 80 percent of the square foot area. These occupancy requirements do not apply to or affect any present licensee having this license prior to December 31, 1966.
- (f) In Calvert County the annual license fee is \$250.
- (g) In Caroline County the annual license fee is \$500.
- (h) In Carroll County the annual license fee is:
 - (1) \$160 for a 6–day license; and
 - (2) \$1,000 for a 7–day license.
- (i) In Cecil County the annual license fee is \$90.
- (j) This section does not apply in Charles County.
- (k) (1) In Dorchester County the annual license fee is \$300.
 - (2) On or after July 1, 2008, a Class B (on–sale) beer and light wine license shall be issued:
 - (i) Only to restaurants; and
 - (ii) Without seating capacity restrictions.
 - (3) A holder of a Class B (on–sale and off–sale) beer and light wine license issued on or before June 30, 2008, may:
 - (i) Continue to exercise all of the privileges of the license throughout the term of the license; and
 - (ii) Renew the license.
 - (4) The Dorchester County Board of License Commissioners may not approve the transfer of a Class B (on–sale and off–sale) beer and light wine license issued on or before June 30, 2008.

(l) (1) This subsection applies only in Frederick County.

(2) The annual license fee is \$160.

(3) (i) The area of the licensed premises normally used as a restaurant for the preparation and consumption of food and beverages on the premises may occupy no less than 80 percent of the square foot area, except for recreational use premises such as bowling alleys and pool halls.

(ii) The provisions of this paragraph of this subsection do not apply to or affect any licensee that had a license on December 31, 1993, or to any person who has a permit for a building that was under construction on that date.

(m) (1) This subsection applies only in Garrett County.

(2) In this subsection, “license” means a Class B beer and light wine license.

(3) The Board of License Commissioners may issue a Class B beer and light wine license for use in:

(i) A bona fide hotel, motel, or inn that:

1. Is an establishment that accommodates the public;
2. Provides services ordinarily found in hotels, motels, or inns;
3. Is equipped with at least 10 bedrooms for public accommodation; and
4. Has a lobby with a registration and mail desk and seating facilities; or

(ii) A restaurant that:

1. Has a seating capacity at tables, not including seats at bars or counters, for at least 20 persons; and
2. Can prepare and serve full-course meals for at least 20 persons at one seating.

(4) The Board of License Commissioners may issue a license without or with a catering option.

(5) A holder of a license without a catering option may sell:

(i) All alcoholic beverages for consumption on the licensed premises;
and

(ii) Brewed beverages for consumption off the licensed premises.

(6) (i) In addition to exercising the privileges stated in paragraph (5) of this subsection, a holder of a license with a catering option may keep for sale and sell beer and wine for consumption at events that the holder caters off the licensed premises.

(ii) To exercise the catering option, a holder of a license:

1. Shall provide food if the holder provides alcoholic beverages at a catered event off the licensed premises; and

2. May exercise the catering option only during the hours and days that are allowed under the license.

(7) For a license without a catering option:

(i) The issuing fee is \$350; and

(ii) The annual fee is \$350.

(8) For a license with a catering option:

(i) The issuing fee is \$475; and

(ii) The annual fee is \$475.

(9) The Board of License Commissioners may adopt regulations to carry out this subsection.

(m-1) (1) This subsection applies only in Garrett County.

(2) There is a Class BDR (deluxe restaurant) beer and wine (on-sale) license, which is a special Class B license.

(3) A Class BDR license may be issued for a deluxe restaurant as defined in the regulations of the Board of License Commissioners.

(4) Notwithstanding § 9-102(a) of this article, a Class BDR license may be issued to an applicant that holds a Class B beer and wine license or a Class B beer, wine and liquor license.

(5) A Class BDR license may be issued for the use of a restaurant that:

(i) Has a minimum facility seating capacity of 20 persons; and

(ii) A minimum capital investment of \$25,000 for the restaurant facilities, not including the cost of land or buildings.

(6) If the applicant purchases or leases an existing building, the capital investment attributable to the cost of the land and improvements shall be based on the assessed value of the land and improvements in accordance with the records of the State Department of Assessments and Taxation at the time of purchase.

(7) The Board of License Commissioners may issue a Class BDR license without or with a catering option.

(8) A holder of a Class BDR license without a catering option may sell:

(i) Beer and light wine for consumption on the licensed premises;
and

(ii) Brewed beverages for consumption off the licensed premises.

(9) (i) In addition to exercising the privileges stated in paragraph (8) of this subsection, a holder of a Class BDR license with a catering option may keep for sale and sell beer and light wine for consumption at events that the holder caters off the licensed premises.

(ii) To exercise the catering option, a holder of a Class BDR license:

1. Shall provide food if the holder provides alcoholic beverages at a catered event off the licensed premises; and

2. May exercise the catering option only during the hours and days that are allowed by the Board of License Commissioners.

(10) For a license without a catering option:

(i) The issuing fee for a new license is \$500; and

(ii) The annual fee is \$500.

(11) For a license with a catering option:

(i) The issuing fee for a new license is \$625; and

(ii) The annual fee is \$625.

(12) The Board of License Commissioners may adopt regulations to carry out this subsection.

(m-2) In Garrett County, the Board may grant a license holder a privilege at no charge to sell beer or wine for consumption off the licensed premises at a catered event if:

(1) The beer or wine is bottled in commemorative or special event bottles and sold at a special event;

(2) The Board approves the commemorative or special event bottles before the event occurs; and

(3) The beer or wine will be sold at the event only on the days and hours allowed by the Board.

(n) (1) This subsection applies only in Harford County.

(2) (i) 1. The annual license fee for a Class B-1 6-day restaurant license is \$350.

2. A Class B-1 6-day restaurant license is a 6-day, Monday through Saturday, license which may be issued by the Liquor Control Board to bona fide restaurants.

(ii) 1. The annual license fee for a Class B-1 7-day restaurant license is \$500.

2. A Class B-1 7-day restaurant license is a 7-day license which may be issued by the Liquor Control Board to bona fide restaurants.

(iii) The licensee shall comply with the food sale requirements of § 1-102(a)(22) of this article only for the purpose of meeting the requirements of § 6-201(n) of this article necessary to apply for a Class B restaurant license.

(3) (i) 1. The annual license fee for a Class B-2 6-day restaurant license is \$500.

2. A Class B-2 6-day restaurant license is a 6-day, Monday through Saturday, license which may be issued by the Liquor Control Board to restaurants.

(ii) 1. The annual license fee for a Class B-2 7-day restaurant license is \$700.

2. A Class B-2 7-day restaurant license is a 7-day license which may be issued by the Liquor Control Board to bona fide restaurants.

(iii) These licenses may be issued to a licensee who has been operating that business establishment for one year prior to the application for the license and who, in the judgment of the Board, is equipped and stocked for the continued regular sale of food to customers and guests. The licensee does not have to comply with the food sale requirement set forth in § 1-102(a)(22) of this article.

(4) (i) As to any Class B-1 or B-2 restaurant license issued prior to July 1, 1984, "off-sales" of licensees shall be limited to fermented beverages including split bottles and brewed beverages. However, brewed beverages sold in bottles or cans exceeding 12 ounces in weight or size, for consumption off the premises, may be sold in

a numerical quantity of less than six. If brewed beverages are sold in a containerized package, the package shall hold a minimum of 6 bottles or containers.

(ii) As to any Class B-1 or B-2 restaurant license issued on or after July 1, 1984, "off-sales" by Class B-1 and B-2 licensees are prohibited.

(5) Provisions relating to Class B-3 licenses are found in § 6-201(n)(3) of this article.

(6) (i) There is a Class B Cafe beer and wine license.

(ii) The annual license fee is \$1,575.

(iii) A cafe license entitles the holder to sell beer and wine for consumption on and off the licensed premises.

(iv) A cafe license is a 7-day license with an on-premises wine tasting privilege for every day of the year.

(v) The Liquor Control Board shall set the maximum number of cafe licenses that it may issue under this paragraph.

(vi) The Liquor Control Board shall set a maximum and a minimum seating capacity for each cafe license it issues.

(vii) A cafe license may be exercised at an establishment only if:

1. The Liquor Control Board determines that the establishment has adequate tables, chairs, food, and facilities for preparing and serving meals;

2. The average gross monthly receipts from the sale of cooked or prepared food served at the establishment and other items approved by the Liquor Control Board exceed 50% of the average monthly receipts from the sale of beer and wine sold for on-premises consumption; and

3. Not more than 10% of the total square footage of the establishment is dedicated to the public display of beer and wine that is offered for sale.

(viii) A cafe license may be used for off-premises catering.

(o) (1) This subsection applies only in Howard County.

(2) The annual license fee is \$175.

(3) Any restaurant that meets the definition of a restaurant under § 1-102(a)(22) of this article may apply to the Board of License Commissioners for a Class B beer and light wine license.

(p) (1) This subsection applies only in Kent County.

(2) The annual license fee is \$1,000.

(3) Any restaurant qualifying under § 6–201(p)(2)(ii) and (iii) of this article may apply to the Board of License Commissioners for a special Class B beer and light wine license.

(q) (1) This subsection applies only in Montgomery County.

(2) The annual license fee is \$400.

(3) (i) The Board of License Commissioners may issue a refillable container permit to a holder of a Class B beer and light wine license or a Class BD–BWL license issued by the Board of License Commissioners:

1. On completion of an application form that the Board provides; and

2. At no cost to the license holder.

(ii) A refillable container permit may be renewed each year concurrently with the renewal of a Class B beer and light wine license or a Class BD–BWL license.

(4) A refillable container permit entitles the holder to sell draft beer for consumption off the licensed premises in a refillable container that:

(i) Has a capacity of not less than 32 ounces and not more than 128 ounces; and

(ii) Meets the requirements under paragraph (5) of this subsection.

(5) To be used as a refillable container under paragraph (4) of this subsection, a container shall meet the standards under § 21–107 of this article.

(6) The term of and hours of sale for a refillable container permit issued under this subsection are as specified for the permit holder’s Class B beer and light wine license or Class BD–BWL license.

(7) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

(8) The Board of License Commissioners may adopt regulations to implement the provisions of this subsection relating to the issuance of a refillable container permit.

(9) (i) In this paragraph, “establishment” means a bowling alley, billiard hall, or drugstore or a restaurant located within these businesses.

(ii) A license may not be issued to, or for use in conjunction with, or upon the premises of any establishment or for use upon any premises which has a door, archway, opening or other passageway providing direct public access to any establishment.

(r) (1) This subsection applies only in Prince George's County.

(2) The annual license fee is \$365.

(3) (i) Notwithstanding the provisions of subsection (a) of this section, the Board of License Commissioners may not issue any Class B beer and light wine license with other than the privilege of selling beer and light wine for consumption on the licensed premises (on-sale only).

(ii) However, licensees holding this class of license prior to July 1, 1975, who have been exercising the privilege of selling alcoholic beverages for consumption off the licensed premises may continue to exercise this privilege.

(4) (i) There is a Class B–Stadium beer and light wine license.

(ii) The annual license fee is \$2,420.

(iii) The license is a special 7–day Class B–Stadium (baseball stadium) license for on–sale consumption only for exclusive use on the premises of a baseball stadium owned or operated by the Maryland–National Capital Park and Planning Commission.

(iv) The license may be issued either to the Maryland–National Capital Park and Planning Commission or to a private concessionaire that is under contract with the Commission.

(v) Alcoholic beverages may be sold only by employees who are 18 years old or older.

(vi) The residency requirement specified by § 9–101 of this article does not apply to an applicant for a Class B–Stadium license.

(vii) Any profit from the sale of beer or light wine made by the licensee may accrue to the benefit and use of either the Commission or the concessionaire.

(s) In Queen Anne's County the annual license fee is \$500.

(t) In St. Mary's County the annual license fee is \$400.

(u) In Somerset County the annual license fee is \$253.

(v) (1) This section does not apply in Talbot County.

(2) Section 18–101 of this article permits the Talbot County Council to

provide for the retail alcoholic beverage laws for the county which, if enacted, supersede the provisions of this article.

(w) In Washington County, the annual license fee for a license with:

(1) On-sale privileges, as provided for under § 8-222.1 of this article, is \$200; or

(2) On- and off-sale privileges is \$400.

(x) (1) In Wicomico County the annual license fee is \$400.

(2) (i) This license may be issued only for a hotel or restaurant that has the average daily receipts from the sale of food for each month exceed the average daily receipts from the sale of alcoholic beverages.

(ii) In calculating average daily receipts from the sale of food, an allocation of foodstuff contained in a mixed drink may not be included in average daily receipts from the sale of food.

(y) (1) This subsection applies only in Worcester County.

(2) The annual license fee for a 6 day license is \$300.

(3) The annual license fee for a 7 day license, applied countywide (exclusive of tenth election district) is \$400.

(4) The annual license fee for a 7 day license, tenth election district only is \$400.

§5-202.

(a) This section applies only in the following counties:

(1) Anne Arundel County;

(2) Caroline County;

(3) Charles County; and

(4) Montgomery County.

(b) (1) A Class H beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises.

(2) The annual fee shall be paid to the local collecting agent before any license is issued, for distribution as provided in this article.

(c) (1) (i) This paragraph applies only in Anne Arundel County.

(ii) A license may not be issued to, or for use in conjunction with, or upon the premises of any restaurant located within a bowling alley, drugstore or billiard hall or for use upon any premises which has a door, archway, opening or other passageway providing direct public access to any bowling alley, billiard hall or drugstore.

(2) (i) This paragraph applies only in Montgomery County.

(ii) A license may not be issued to, or for use in conjunction with, or upon the premises of any restaurant located within a drugstore or for use upon any premises which has a door, archway, opening or other passageway providing direct public access to any drugstore.

(iii) A license may be issued to, or for use in conjunction with or on the premises of, a restaurant located within a bowling alley if the gross receipts from the sale of alcoholic beverages do not exceed the gross receipts from the sale of food.

(d) In Anne Arundel County the annual license fee is \$360.

(e) In Caroline County the annual license fee is \$500.

(f) (1) In Charles County the annual license fee is \$340.

(2) In addition to the annual license fee, a license holder shall annually pay:

(i) \$200, if the license holder provides live entertainment; and

(ii) \$200, if the license holder provides outdoor table service.

(g) In Montgomery County the annual license fee is \$400.

§5–301.

(a) (1) Except as provided in subsection (n) of this section, a Class C beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer and light wines at retail to bona fide members and their guests, at any club, at the place described in the license, for consumption on the premises only.

(2) The annual fee for the license shall be paid to the local collecting agent before any license is issued, for distribution as provided.

(b) (1) This subsection applies only in Allegany County.

(2) The annual license fee is \$150.

(3) Beer and light wines may be sold for consumption on the premises or elsewhere.

- (c) In Anne Arundel County the annual license fee is \$120.
- (d) In Baltimore City the annual license fee is \$82.50.
- (e) In Baltimore County the annual license fee is \$150.
- (f) This section does not apply in Calvert County.
- (g) This section does not apply in Caroline County.
- (h) In Carroll County the annual license fee is \$70.
- (i) In Cecil County the annual license fee is \$100.
- (j) This section does not apply in Charles County.
- (k) In Dorchester County the annual license fee is \$150.
- (l) In Frederick County the annual license fee is \$70.
- (m) This section does not apply in Garrett County.
- (n) (1) This subsection applies only in Harford County.

(2) (i) The Liquor Control Board may issue a 6-day, Monday through Saturday, or a 7-day Class C-1 beer and light wine license for the sale of beer and light wine for consumption on the premises only to a bona fide not for profit association or corporation that:

- 1. Is organized for patriotic or war veterans purposes; and
- 2. Has held regular meetings at an established headquarters for a period of 1 year prior to the application for the license.

(ii) 1. The annual fee for a 6-day license under this paragraph is \$150.

2. The annual fee for a 7-day license under this paragraph is \$225.

(3) (i) The Liquor Control Board may issue a 6-day, Monday through Saturday, or a 7-day Class C-2 beer and light wine license for the sale of beer and light wine for consumption on the premises only to a bona fide not for profit association or corporation that:

- 1. Is organized for fraternal purposes; and

2. Has held regular meetings at an established headquarters for a period of 1 year prior to the application for the license.

(ii) 1. The annual fee for a 6-day license under this paragraph is \$350.

2. The annual fee for a 7-day license under this paragraph is \$425.

(4) (i) The Liquor Control Board may issue a 6-day, Monday through Saturday, or a 7-day Class C-3 beer and light wine license for the sale of beer and light wine for consumption on the premises only to a bona fide not for profit association or corporation that:

1. Is organized for social, educational, or athletic purposes;
and

2. Has held regular meetings at an established headquarters for a period of 1 year prior to the application for the license.

(ii) 1. The annual fee for a 6-day license under this paragraph is \$450.

2. The annual fee for a 7-day license under this paragraph is \$525.

(o) (1) This subsection applies only in Howard County.

(2) The annual license fee is \$150.

(3) The Board of License Commissioners may issue a club license for the sale of beer and light wine for consumption on the premises only to bona fide clubs as defined by § 1-102(a)(4) of this article, which have held regular meetings at an established headquarters for a period of one year prior to the application for the license.

(4) The licensee may sell for consumption on the premises brewed beverages with an alcoholic content of no more than 6 percent by volume and fermented beverages containing no more than 23 percent by volume.

(5) The holder of a club license may purchase also a special Sunday on-sale only license upon the payment of an additional fee of \$75.

(p) This section does not apply in Kent County.

(q) In Montgomery County the annual license fee is \$120.

(r) In Prince George's County the annual license fee is \$245.

- (s) This section does not apply in Queen Anne's County.
- (t) This section does not apply in St. Mary's County.
- (u) In Somerset County the annual license fee is \$45.
- (v) (1) This section does not apply in Talbot County.

(2) Section 18-101 of this article permits the Talbot County Council to provide for the retail alcoholic beverage laws for the county which, if enacted, supersede the provisions of this article.

- (w) In Washington County the annual license fee is \$200.
- (x) In Wicomico County the annual license fee is \$125.
- (y) (1) In Worcester County the annual license fee is \$200.
- (2) The hours for sale shall be as provided in § 11-524 of this article.

§5-401.

(a) (1) A Class D beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes its holder to keep for sale and to sell beer and light wines at retail, at the place described in the license, for consumption on the premises or elsewhere. The license may not be issued for any drugstore.

(2) The annual fee shall be paid to the local collecting agent before any license is issued, for distribution as provided in this article.

(b) In Allegany County the annual license fee is \$210.

(c) (1) (i) In Anne Arundel County the annual license fee is \$480.

(ii) This license does not apply in the City of Annapolis.

(2) (i) The annual license fee for a Class WT license is \$90.

(ii) A Class WT license, on-sale, is for taverns without music, dancing, or other similar entertainment.

(3) (i) The annual license fee for a Class WTM license is \$115.

(ii) A Class WTM license, on-sale, is for taverns with music, but without dancing, or other similar entertainment.

(d) In Baltimore City the annual license fee is \$165.

(e) (1) In Baltimore County the annual license fee is \$250.

(2) The area of the licensed premises normally used for the preparation and consumption of alcoholic beverages on the premises may occupy no less than 80 percent of the square foot area. These occupancy requirements do not apply to or affect any present licensee having this license prior to December 31, 1966.

(f) This section does not apply to Calvert County.

(g) In Caroline County the annual license fee is \$500.

(h) (1) This subsection applies only to Carroll County.

(2) The privileges conferred by a Class D beer and light wine license may be exercised from 11 a.m. to 11 p.m. on Sunday.

(3) The annual license fee is \$250.

(i) In Cecil County the annual license fee is \$225.

(j) (1) In Charles County the annual license fee is \$340.

(2) In addition to the annual license fee, a license holder shall annually pay:

(i) \$200, if the license holder provides live entertainment; and

(ii) \$200, if the license holder provides outdoor table service.

(k) In Dorchester County the annual license fee is \$275.

(l) This section does not apply to Frederick County.

(m) (1) This subsection applies only in Garrett County.

(2) The Board of License Commissioners may issue a Class D beer and light wine license without or with a catering option.

(3) A holder of a Class D beer and light wine license without a catering option may sell beer and light wine for consumption on the licensed premises or elsewhere.

(4) (i) In addition to exercising the privileges stated in paragraph (3) of this subsection, a holder of a Class D beer and light wine license with a catering option may keep for sale and sell beer and light wine for consumption at events that the holder caters off the licensed premises.

(ii) To exercise the catering option, a holder of a Class D beer and light wine license:

1. Shall provide food if the holder provides alcoholic beverages at a catered event off the licensed premises; and

2. May exercise the catering option only during the hours and days that are allowed by the Board of License Commissioners.

(5) For a license without a catering option:

(i) The issuing fee for a new license is \$350; and

(ii) The annual fee is \$350.

(6) For a license with a catering option:

(i) The issuing fee for a new license is \$475; and

(ii) The annual fee is \$475.

(7) The Board may grant a license holder a privilege at no charge to sell beer or light wine for consumption off the licensed premises at a catered event if:

(i) The beer or light wine is bottled in commemorative or special event bottles and sold at a special event;

(ii) The Board approves the commemorative or special event bottles before the event occurs; and

(iii) The beer or wine will be sold at the event only on the days and hours allowed by the Board.

(n) This section does not apply to Harford County.

(o) In Howard County the annual fee is \$175.

(p) This section does not apply to Kent County.

(q) (1) This subsection applies only in Montgomery County.

(2) (i) For a Class D license, the annual license fee is \$400.

(ii) 1. The Board of License Commissioners may issue a refillable container permit to a holder of a Class D beer and light wine license issued by the Board of License Commissioners:

A. On completion of an application form that the Board provides; and

B. At no cost to the Class D license holder.

2. A refillable container permit may be renewed each year concurrently with the renewal of a Class D beer and light wine license.

(iii) A refillable container permit entitles the holder to sell draft beer for consumption off the licensed premises in a refillable container that:

1. Has a capacity of not less than 32 ounces and not more than 128 ounces; and

2. Meets the requirements under subparagraph (iv) of this paragraph.

(iv) To be used as a refillable container under subparagraph (iii) of this paragraph, a container shall meet the standards under § 21–107 of this article.

(v) The term of and hours of sale for a refillable container permit issued under this subsection are as specified for the permit holder's Class D beer and light wine license.

(vi) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

(vii) The Board of License Commissioners may adopt regulations to implement the provisions of this subsection relating to the issuance of a refillable container permit.

(3) (i) In this paragraph, “establishment” means a bowling alley, billiard hall, or drugstore or a restaurant located within these businesses.

(ii) The license may not be issued to, or for use in conjunction with, or upon the premises of any establishment, or for use upon any premises which has a door, archway, opening or other passageway providing direct public access to any establishment.

(iii) These restrictions which prohibit the issuance of licenses to drugstores or premises adjoining them are not applicable to any establishment which on July 1, 1969, holds an alcoholic beverage license and which on July 1, 1969, has a door, archway, opening or other passageway providing direct public access to any drugstore.

(r) (1) In Prince George's County the annual license fee for a Class D beer and light wine license under subsection (a) of this section is \$365.

(2) (i) This paragraph applies only in Prince George's County.

(ii) There is a special Class D beer and wine license that may be issued for an establishment in a waterfront entertainment retail complex, as defined in the county zoning ordinance.

- (iii) The hours of operation are from 9 a.m. to 2 a.m. the following day.
- (iv) A license holder need not meet any food requirements.
- (v) Beer and wine may be sold for consumption on and off the premises 7 days a week.
- (vi) The annual license fee is \$660.
- (s) In Queen Anne's County the annual license fee is \$500.
- (t) This section does not apply to St. Mary's County.
- (u) (1) In Somerset County the annual license fee is \$253.
- (2) Beer and wine may be sold for both on- and off-sale consumption.
- (v) This section does not apply to Talbot County.
- (w) In Washington County the annual license fee is \$150.
- (x) (1) This subsection applies only in Wicomico County.
- (2) The annual fee for a 6-day license is \$275.
- (3) The annual fee for a 7-day license is \$400.
- (4) The days and times for sales of beer and light wine under each license are as provided in § 11-523(c)(3) through (8) of this article.
- (y) (1) This subsection applies only in Worcester County.
- (2) The annual 6-day license fee is \$350.
- (3) The annual 7-day license fee, applied countywide, is \$500.
- (4) The hours for sale are as provided in § 11-524 of this article.

§5-501.

- (a) The Comptroller may issue a Class F beer and light wine license.
- (b) (1) The license authorizes the owner or operator of any steam, diesel, or electric railway or club, parlor, buffet, observation, sleeping or dining cars on the lines of any steam, diesel, or electric railway in this State to keep for sale and to sell beer and light wines in any of those cars, for consumption in the cars.
- (2) The license is valid throughout the State.

(c) The annual license fee is \$60.

(d) The fee shall be paid to the Comptroller for the use of the State before the license is issued.

§5–601.

(a) This section applies only in the City of Annapolis.

(b) The City may issue a license to an establishment where the licensee is authorized to keep for sale and to sell beer and light wine at retail both for consumption on the premises and elsewhere, or for consumption on the premises only.

§6–101.

(a) (1) A Class A beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and to sell all alcoholic beverages at retail, in any quantity, at the place described in the license. The licensee shall deliver the alcoholic beverages in a sealed package or container and the package or container may not be opened nor its contents consumed on the premises where sold.

(2) The annual license fee shall be paid to the local collecting agent before the license is issued, for distribution as provided.

(3) A license may not be issued for any drugstore unless the applicant:

(i) Has been doing business at the location applied for, for at least 1 year prior to the date of the application for the license;

(ii) Is the assignee of a business established for that length of time at the location applied for; or

(iii) Has been actually engaged in the retail drug business for a period of not less than 3 years.

(b) (1) In Allegany County the annual license fee is \$650.

(2) The package or container may not be opened nor its contents consumed on any premises in which the licensee has any direct or indirect interest.

(c) In Anne Arundel County the annual license fee is \$720.

(d) In Baltimore City the annual license fee is \$858.

(e) In Baltimore County the annual license fee is \$900.

(f) In Calvert County the annual license fee is \$1,000.

- (g) (1) This subsection applies only in Caroline County.
- (2) The annual license fee for a 6-day license is \$1,250.
- (3) The annual license fee for a 7-day license is \$1,600.
- (h) In Carroll County the annual license fee is:
 - (1) From July 1, 2014, to June 30, 2017, \$850; and
 - (2) Beginning on July 1, 2017, \$1,000.
- (i) In Cecil County the annual license fee is \$750.
- (j) (1) In Charles County the annual license fee is \$960.
- (2) This license also authorizes the holder to serve beer, wine, and liquor for tasting and sampling purposes if:
 - (i) The tasting or sampling is held on the licensed premises; and
 - (ii) The holder serves not more than 1 ounce from each given brand of beer, wine, or liquor, in a container that holds not more than 4 ounces, to any one person.
- (k) In Dorchester County, the annual license fee is \$2,500.
- (l) (1) In Frederick County the annual license fee is \$650.
- (2) A special Sunday opening permit may be granted for this license for an additional \$650 as provided under this article.
- (m) This section does not apply in Garrett County.
- (n) (1) This subsection applies only in Harford County.
- (2) The following licenses have the fees specified:
 - (i) The annual license fee for a 7-day Class A-1 off-sale beer, wine and liquor license is \$1,470.
 - (ii) The annual license fee for a 6-day (Monday through Saturday) Class A-2 off-sale beer, wine and liquor license is \$980.
- (3) Any license issued under the provisions of this section shall be issued by the Liquor Control Board.
- (4) Each license issued under this section is subject to:

- (i) The regulations of the Board;
- (ii) The provisions of this section; and
- (iii) Section 5-101(n) of this article.

(5) Any licensee who holds a Class B beer, wine and liquor license under § 6-201(n) of this article or a Class B beer and wine license under § 5-201(n) of this article, and who has been granted an option to the existing license that allows for off-sale liquor is subject to § 6-201(n)(3) of this article.

(6) A Class A-1 or Class A-2 licensee shall provide a separate outside entrance for the use of off-sale customers if the majority of the retail sales are of items other than alcoholic beverages. Additionally, if the business is predominately one of other types of retail sales, such as drugs or groceries, the alcoholic beverages shall be displayed and purchased in an area separate and distinct from that of the other retail items. The Board may require partitions if deemed conducive to the intent of this paragraph.

(7) Any licensee having the off-sale option provided for in this section shall continually maintain a minimum stock of \$8,000 wholesale value in beer, wine, and liquor.

- (o) (1) This subsection applies only in Howard County.
- (2) The annual license fee for a 7-day Class A-1 license is \$900.
- (3) The annual license fee for a 6-day Class A-2 license is \$700.

(p) In Kent County the annual license fee is \$1,750.

(q) (1) This subsection applies only in Montgomery County.

(2) The only Class A license that is available in the county is a Class A-TP 7-day license.

(3) The annual license fee for a Class A-TP license is the same as for a license issued pursuant to subsection (r) of this section. Class A-TP licensees may not be charged for such a license until May 1, 1998.

(4) The Board shall issue a Class A-TP license to any person who on June 30, 1997, both held a Class A beer, wine and liquor license and operated a Class A business where the licensed premises were located in that portion of the City of Takoma Park that was formerly part of Prince George's County.

(5) Unless revoked or not renewed for good cause, the license shall continue and be renewed, subject to payment of the annual license fee. The license is not transferable to any other location, but the license may be transferred to another

person at any time, subject to the restrictions on similar transfers for other alcoholic beverages licenses in Montgomery County.

(6) The Board shall promulgate regulations that govern the sale of alcoholic beverages by a Class A-TP licensee. These regulations shall include the hours for sale.

(r) In Prince George's County the annual license fee is \$910.

(s) In Queen Anne's County the annual license fee is \$2,000.

(t) (1) This subsection applies in St. Mary's County.

(2) The annual license fee for a 7-day Class A-1 license is \$400.

(3) The annual license fee for a 6-day Class A-2 license is \$300.

(u) This section does not apply in Somerset County.

(v) (1) (i) In Talbot County this license may not be issued except to grocery stores, drugstores, incorporated clubs, restaurants and hotels which have been doing business in the county for more than 1 year prior to the date of the application for the license.

(ii) The annual fee for the license is \$1,000.

(2) Section 18-101 of this article permits the Talbot County Council to provide for the retail alcoholic beverages laws for the county, which, if enacted, supersede the provisions of this article.

(w) In Washington County the annual license fee is \$300.

(x) (1) This subsection applies only in Wicomico County.

(2) The maximum number of licenses is three.

(3) Any license issued under the provisions of this section shall be issued only to existing establishments that already have a Class B beer, wine and liquor (restaurant) license and have been continually operating as a restaurant in the county for 3 months prior to the application for this license.

(4) Any license issued under the provisions of this section shall apply only to the area described in the application and that area may not exceed 20 percent of the area normally used in the operation of the restaurant business. This area must be contiguous to and adjoin the restaurant establishment.

(5) (i) The annual license fee is \$4,400.

(ii) This fee shall be paid in addition to the fee paid for the Class B

(restaurant) license.

(6) All alcoholic beverages other than beer and light wine shall be purchased from the Liquor Control Board for Wicomico County and the licensee shall be charged not more than 15 percent above the wholesale operating cost to the dispensary.

(y) This section does not apply in Worcester County.

§6–102.

(a) This section applies only in Baltimore City.

(b) The Board of License Commissioners may renew a Class B-D-7 beer, wine and liquor license that is expiring and reissue it as a Class A-2 beer, wine and liquor off-sale only package goods license as provided in § 8-203(d) of this article.

(c) A Class A-2 beer, wine and liquor off-sale package goods license authorizes the holder to:

(1) Keep for sale and sell beer, wine, and liquor at retail; and

(2) Deliver alcoholic beverages in sealed packages or containers. The package or container may not be opened nor its contents be consumed on the premises where it is sold.

(d) The annual license fee is \$858.

(e) A Class A-2 beer, wine and liquor off-sale license substituted under this section may not be converted or substituted for any other class of alcoholic beverages license, including a reversion to a Class B-D-7 beer, wine and liquor license.

(f) A substitute license provided for under this section may not be granted after May 1, 1996.

(g) The hours during which the privileges conferred by this 6-day license may be exercised are from 9 a.m. to 12 o'clock midnight Monday through Saturday.

§6–201.

(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and the license authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.

(2) The annual fee for this license is payable to the local collecting agent before any license is issued, for distribution as provided in this article.

(3) (i) Except in Montgomery County or in the case of a contrary provision in this subtitle, this license shall be issued, on approval of the application by the board of license commissioners in any county in which a license may be issued for the sale of beer, wine, and liquor, to the owner of any hotel which meets the following minimum provisions:

1. The hotel building shall be originally constructed for hotel purposes; be at least three stories in height; and contain at least one passenger elevator;

2. The hotel shall contain no less than 100 rooms for the accommodation of the public;

3. The hotel shall contain a dining room with facilities for preparing and serving regular meals for at least 125 persons at one seating; and

4. The capital investment in the hotel facility may not be less than \$500,000.

(ii) The annual fee for this license is \$2,000.

(b) (1) The provisions of this subsection apply only in Allegany County.

(2) (i) The Board of License Commissioners may issue Class B beer, wine and liquor (on-sale) licenses.

(ii) This license shall be issued for the exclusive use:

1. On the premises of a restaurant that is located within a hotel or motel establishment; or

2. If used in conjunction with a Class 7 micro-brewery license, on the premises of a restaurant only.

(iii) In addition to other county requirements provided for in this article:

1. The hotel or motel shall be an establishment having at least 100 bedrooms for public accommodation; and

2. The restaurant shall be an establishment:

A. Located in a permanent building with ample space and accommodations for preparing, serving, and selling meals to the public during business hours;

B. That 60 percent of its gross monthly revenue is derived from the sale of food;

C. That has waiter or waitress service to its customers who are

seated at tables for dining; and

D. That is not considered to be a fast-food style facility.

(iv) This license authorizes the holder to sell beer, wine and liquor by the drink for consumption on the licensed premises only.

(v) This license does not have off-sale privileges.

(vi) The requirements for hours and days of sale are as provided under § 11-501(a) and (b) of this article.

(vii) The annual license fee is \$800.

(viii) This license is exempt from any license population quota limitation.

(ix) Notwithstanding any law to the contrary, this license may not be transferred to a location other than the premises for which it was issued.

(3) (i) The Board of License Commissioners may issue a special Class B-BT (Buffet Theater) on-sale beer, light wine and liquor license for the use of an establishment that:

1. Is operated as a nonprofit professional theater;

2. Provides to its customers live Broadway-style musicals, comedy, drama, live acoustic-style music, or feature films; and

3. Is open to the public by reservation.

(ii) The holder of a Class B-BT license may sell at retail beer and light wine by the drink or by the bottle and liquor by the drink only for on-premises consumption beginning 2 hours before the performance, during the performance, and for 2 hours after the end of the performance on:

1. Monday through Saturday; and

2. Sunday no earlier than 1 p.m.

(iii) The license does not authorize the holder to sell alcoholic beverages:

1. For off-premises consumption by the drink or by the bottle;

or

2. At any time except in conjunction with the buffet theater.

(iv) The annual fee for a Class B-BT license is \$350.

(4) (i) There is a special Class B–MB (micro–brewery/restaurant) license.

(ii) The Board of License Commissioners may issue a special Class B–MB license to a holder of a Class 7 manufacturer’s license.

(iii) The holder of a Class B–MB license may sell at retail beer and light wine by the drink or by the bottle and liquor by the drink for consumption on the premises, including:

1. In a banquet room or banquet facility that is on the licensed premises; and

2. On a patio that is part of the licensed premises as evidenced by lease documents or by agreement of the owner of the licensed premises.

(iv) The holder of a Class B–MB license may sell at retail beer and light wine by the bottle for off–premises consumption.

(v) The hours of sale are:

1. For consumption on the premises:

A. On Monday through Saturday, from 7 a.m. to 2 a.m. the following day; and

B. On Sunday, from 1 p.m. to 2 a.m. the following day; and

2. For consumption off the premises on Monday through Saturday, from 7 a.m. to 2 a.m. the following day.

(vi) The annual fee for a Class B–MB license is \$900.

(b–1) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Concessionaire” means a lessee, sublessee, or any other operator of an establishment that:

1. Engages in the daily sale of beer, wine, and liquor by the drink or by the bottle on its premises for consumption anywhere in a video lottery facility; and

2. Is operated as a concession independent of the Class BWL–VLF license.

(iii) “Video lottery facility” means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(2) (i) There is a Class BWL–VLF (video lottery facility) beer, wine and liquor license.

(ii) The Board may issue a Class BWL–VLF license for a video lottery facility that contains one or more food service facilities, bars, or lounges.

(iii) The Class BWL–VLF license may be issued to an individual or entity that owns a video lottery facility and holds a license under Title 9, Subtitle 1A of the State Government Article.

(iv) An applicant for a Class BWL–VLF license may not be required to meet any location, voting, or residency requirement.

(v) A Class BWL–VLF license authorizes the licensee to sell beer, wine, and liquor by the drink and by the bottle on the premises of the video lottery facility, for consumption anywhere in the video lottery facility or on grounds controlled by the licensee, as defined in the Class BWL–VLF license.

(3) (i) There is a Class BWL–VLC (video lottery concessionaire) beer, wine and liquor license.

(ii) The Board may issue a Class BWL–VLC license to one or more concessionaires operating in the video lottery facility.

(iii) Notwithstanding any other provision of this article, a Class BWL–VLC license authorizes the licensee to sell beer, wine, and liquor on the premises of the concessionaire for consumption anywhere in the video lottery facility or on grounds controlled by the Class BWL–VLF licensee, as defined in the Class BWL–VLF license.

(4) (i) The annual fee for a Class BWL–VLF license is \$15,000.

(ii) The annual fee for a Class BWL–VLC license is \$5,000.

(iii) The annual license fee shall be paid to the Board on or before May 1 of each year.

(5) (i) An off–sale privilege is not conferred by a Class BWL–VLF license or a Class BWL–VLC license.

(ii) Beer, wine, and liquor purchased under a Class BWL–VLF license or a Class BWL–VLC license may be taken anywhere in a video lottery facility or on grounds controlled by the Class BWL–VLF licensee, as defined in the Class BWL–VLF license.

(6) A Class BWL–VLF license and a Class BWL–VLC license authorize:

(i) The playing of music and dancing; and

(ii) The sale and provision of beer, wine, and liquor throughout the video lottery facility and grounds controlled by the Class BWL–VLF licensee during those days and hours that the video lottery facility is open for business.

(7) Class BWL–VLF and Class BWL–VLC licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this subsection.

(8) Any penalty or other sanction that is imposed for a violation of a regulation of the Board on the licensed premises of a Class BWL–VLC licensee shall apply to the concessionaire that the Board determines to be responsible for the violation.

(c) (1) The provisions of this subsection apply only in Anne Arundel County and do not apply to the City of Annapolis.

(2) The annual fee for a Class B license is \$1,080.

(3) (i) A Class H beer, wine and liquor license authorizes the holder to keep for sale and sell beer, wine and liquor at retail at any restaurant for consumption on the premises.

(ii) The annual fee for this license is \$960.

(d) (1) (i) This subsection applies only in Baltimore City.

(ii) Except as otherwise provided by this subsection, the annual license fee is:

1. \$1,320 for a licensed establishment with a seating capacity of 200 or fewer; and

2. \$1,800 for a licensed establishment with a seating capacity of more than 200.

(iii) In this paragraph “46th Alcoholic Beverages District” means an area that at all times shall be coterminous with the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

(iv) Except for the 46th Alcoholic Beverages District, this license shall be issued in accordance with the provisions of subsection (a) of this section.

(v) 1. Except as provided in subparagraph 2 of this subparagraph, in an area coterminous with the 47th Alcoholic Beverages District as that district existed before the Legislative Districting Plan was ordered by the Maryland Court of Appeals on June 21, 2002, a Class B beer, wine and liquor license issued for use in a restaurant:

A. After July 1, 1991 may not include an off-sale alcoholic beverages privilege;

B. Before July 1, 1991 with an on-sale alcoholic beverages privilege only may not be changed or altered to include an off-sale alcoholic beverages privilege;

C. Before July 1, 1991 with both on- and off-sale alcoholic beverages privileges may continue to be sold, renewed, or transferred within the 47th Alcoholic Beverages District with both privileges; and

D. Except as provided in subparagraph (vi) of this paragraph, before July 1, 1991 may not include an off-sale privilege for sales of alcoholic beverages from 12 midnight on Saturday to 2 a.m. on Monday.

2. A license specified under subparagraph 1 of this subparagraph may include an off-sale privilege for sales of refillable containers under a refillable container permit issued in accordance with § 8-203(e) of this article.

(vi) The sales prohibition in subparagraph (v)1D of this paragraph does not apply to a Class B beer, wine and liquor licensee:

1. Whose license was issued before July 1, 1991; and

2. Who prior to July 1, 1991 operated the premises and exercised the sales privileges under the license on Sundays.

(vii) In addition to the other requirements provided for in this subsection, in the 46th Alcoholic Beverages District the restaurant shall have a minimum:

1. Except as provided in subparagraph (ix) of this paragraph, capital investment of \$500,000 for restaurant facilities not including the cost of the land, the building, or improvements that are not to the interior of a building on the licensed premises; and

2. Seating capacity of 75 persons, and, except as provided in subparagraph (ix) of this paragraph, a maximum seating capacity of 150 persons.

(viii) 1. Notwithstanding § 1-102(a)(22)(i)3 of this article and, except as provided in subparagraph (ix) of this paragraph, for a licensee who is issued a Class B beer, wine and liquor license for use in a restaurant in the 46th Alcoholic Beverages District, the average daily receipts from the sale of food must be at least 51% of the total daily receipts of the restaurant.

2. A licensee annually, at the time the license is renewed, shall file with the Board of Liquor License Commissioners for Baltimore City a statement of average daily receipts and an affidavit of a licensed certified public

accountant that verify that the licensee has met the requirement of subparagraph 1 of this subparagraph or subparagraph (ix) of this paragraph.

3. A license may not be transferred from the location of its first issuance.

4. A license may not be issued for use in an establishment that is a fast food style restaurant.

(ix) The Board of Liquor License Commissioners for Baltimore City may issue a Class B beer, wine and liquor license for use in a restaurant that has a seating capacity exceeding 150 persons if the restaurant:

1. Is located in ward 26, precinct 8, ward 4, precinct 1, or ward 3, precinct 3 of the 46th Alcoholic Beverages District, which at all times shall be coterminous with the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002;

2. Has a minimum capital investment of \$700,000; and

3. Has average daily receipts from the sale of food that are at least 65% of the total daily receipts.

(x) Until July 1, 2005, the Board of Liquor License Commissioners for Baltimore City may issue a Class B beer, wine and liquor license for use in a restaurant that has a seating capacity exceeding 150 persons if the restaurant:

1. Is an establishment located in an area identified in § 9–204(e)(1) of this article;

2. Has a minimum capital investment of \$1,000,000; and

3. Has average daily receipts from the sale of food that are at least 70% of the total daily receipts.

(xi) Notwithstanding any restriction or requirement in this article regarding the issuance of Class B beer, wine and liquor licenses, a not for profit arts center in the Highlandtown arts and entertainment district that holds a Class C license on June 1, 2004, may apply to the Board of Liquor License Commissioners for Baltimore City to convert that license into a Class B beer, wine and liquor license.

(2) (i) There is a Class B–BWL (H–M) license.

(ii) The Class B–BWL (H–M) license shall be issued to any hotel or motel meeting the minimum criteria of subparagraph (iv) of this paragraph.

(iii) The annual license fee is \$6,500.

(iv) The minimum criteria for the issuance of a Class B–BWL (H–M) license are as follows:

1. The hotel or motel shall contain no less than 100 rooms for the accommodation of the public;
2. The hotel or motel shall contain a dining room with facilities for preparing and serving regular meals for at least 125 persons at one seating; and
3. The capital investment in the hotel or motel facility may not be less than \$500,000.

(v) A Class B–BWL (H–M) license may not be required of any restaurant that is not located in a hotel or motel or of any catering establishment.

(3) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Arena” means a facility that is a:

- A. Catering hall;
- B. Banquet hall;
- C. Auditorium;
- D. Theatre;
- E. Athletic facility;
- F. Concert facility; or
- G. Stadium.

3. “Board” means the Board of License Commissioners.

4. “Person” means a natural person, an association, a firm, a partnership, a corporation, or the Mayor and City Council of Baltimore.

(ii) There is an arena license.

(iii) 1. A licensee may sell beer, wine and liquor by the drink and by the bottle within the arena, from one or more outlets, for consumption on the licensed premises.

2. An arena license may not be issued in the Second and Third Wards after October 1, 1994. Licenses issued prior to that date are valid and may be treated like any other license.

(iv) The Board may issue an arena license only if the applicant has:

1. A minimum capital investment, not including any real property, of \$1,000,000; and

2. A minimum capacity of 1,000 people, as determined by the Baltimore City Fire Department.

(v) This license shall be issued only to the person, firm, or corporation owning or leasing an arena, one of whom must be a resident of the State of Maryland, or to a concessionaire designated by the person, firm or corporation owning or leasing the arena. The concessionaire need not be a resident of the State of Maryland.

(vi) The Board shall prescribe regulations pertaining to the manner of dispensing alcoholic beverages, the number of outlets authorized to dispense alcoholic beverages, and the hours and days of sale.

(vii) The licensee is subject to all of the provisions of this article and to the regulations of the Board of License Commissioners.

(viii) The annual license fee for the arena license is \$12,000.

(4) (i) The owner or owners of any regularly licensed racing establishment, or the concessionaire or catering organization at such place, whether an individual, association or corporation, without additional residential, voting or locative qualifications may procure a license for the sale of beer, wine and liquor within the confines of its racing park.

(ii) The license fee is \$55 per day.

(iii) The holder may sell at one or more locations within its park.

(iv) The licenses and the licensees are subject to all laws and regulations applicable in Baltimore City to the sale of alcoholic beverages that are not inconsistent with the provisions of this subsection.

(5) A licensee that is issued a license for room service for an establishment with fewer than 100 rooms shall pay an annual room service fee of \$1,000 in addition to the license fee.

(6) Except as provided under subsection (d-1) of this section, in addition to the annual license fee, a licensee issued a license under this subsection shall pay annually:

(i) \$500, if the licensee provides live entertainment; and

(ii) \$200, if the licensee provides outdoor table or cafe service.

(d-1) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Concessionaire” means a lessee, sublessee, or any other operator of an establishment that:

1. Engages in the daily sale of beer, wine, and liquor by the drink or by the bottle on its premises for consumption anywhere in a video lottery facility; and

2. Is operated as a concession independent of the Class BWL-VLF licensee.

(iii) “Video lottery facility” means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(2) (i) There is a Class BWL-VLF (video lottery facility) beer, wine and liquor license.

(ii) The Board may issue a Class BWL-VLF license for a video lottery facility that contains one or more food service facilities, bars, or lounges.

(iii) The Class BWL-VLF license may be issued to an individual or entity that owns a video lottery facility and holds a license under Title 9, Subtitle 1A of the State Government Article.

(iv) An applicant for a Class BWL-VLF license need not meet any location, voting, or residency requirement.

(v) A Class BWL-VLF license authorizes the licensee to sell beer, wine, and liquor by the drink and by the bottle on the premises of the video lottery facility, for consumption anywhere in the video lottery facility or on grounds controlled by the licensee, as defined in the Class BWL-VLF license.

(3) (i) There is a video lottery concessionaire (Class BWL-VLC) license.

(ii) The Board may issue a Class BWL-VLC license to one or more concessionaires operating in the video lottery facility.

(iii) Notwithstanding any other provision in this article, a Class BWL-VLC license authorizes the licensee to sell beer, wine, and liquor on the premises of the concessionaire for consumption anywhere in the video lottery facility or on grounds controlled by the Class BWL-VLF licensee, as defined in the Class BWL-VLF license.

(4) (i) The annual fee for a Class BWL-VLF license is \$15,000.

(ii) The annual fee for a Class BWL-VLC license is \$5,000.

(iii) The annual license fees shall be paid on May 1 to the Board.

(5) (i) An off-sale privilege is not conferred by a Class BWL-VLF license or a Class BWL-VLC license.

(ii) Beer, wine, and liquor purchased under a Class BWL-VLF license or a Class BWL-VLC license may be taken anywhere in a video lottery facility or on grounds controlled by the Class BWL-VLF licensee, as defined in the Class BWL-VLF license.

(6) A Class BWL-VLF license and a Class BWL-VLC license authorize:

(i) The playing of music and dancing; and

(ii) The sale and providing of beer, wine, and liquor throughout the video lottery facility and grounds controlled by the Class BWL-VLF licensee during those days and hours that the video lottery facility is open for business.

(7) Class BWL-VLF and Class BWL-VLC licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this subsection.

(8) Any penalty or other sanction that is imposed for a violation of a regulation of the Board on the licensed premises of a Class BWL-VLC licensee shall apply to the concessionaire that the Board determines to be responsible for the violation.

(e) (1) This subsection applies only in Baltimore County.

(2) The annual fee for a license is \$1,500.

(3) The area of the licensed premises normally used as a restaurant for the preparation and consumption of food and beverage on the premises may occupy no less than 80 percent of the square foot area. These occupancy requirements do not apply to or affect any present licensee having this license prior to December 31, 1966.

(f) (1) This subsection applies only in Calvert County.

(2) The annual fee for a Class B license is:

(i) \$1,250, if the place of business remains open until midnight; or

(ii) \$2,250, if the place of business remains open until 2 a.m.

(3) (i) There is a Class BR beer, wine and liquor license which authorizes licensees to sell beer, wine, and liquor in restaurants for on-sale consumption with meals only.

(ii) The annual license fee for each license is \$500.

(iii) Hours and days for sale are those for other Calvert County Class B licensees.

(4) (i) In the 27th Legislative District of Calvert County, there is a Class BLX license for luxury-type restaurants.

(ii) The Class BLX license shall be applied for in the same manner as are other classes of licenses.

(iii) The license fee is \$2,400.

(iv) A luxury-type restaurant shall be defined by the County Liquor Board.

(v) To qualify for a Class BLX license, a restaurant shall have:

1. A minimum capital investment of \$500,000 for the dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and

2. A seating capacity of at least 150 persons.

(vi) Notwithstanding any other provision of this article, an individual, corporation, limited liability company, partnership, limited partnership, joint venture, association, or other person or combination of persons may not have a direct or indirect interest in any combination in more than 4 Class B and Class BLX licenses.

(vii) An indirect interest is presumed to exist between any combination of individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons if any of the following conditions exist between them:

1. A common parent company;

2. A franchise agreement;

3. A licensing agreement;

4. A concession agreement;

5. Dual membership in a chain of businesses commonly owned and operated;

6. A sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;

7. Common direct or indirect sharing of profit from the sale of alcoholic beverages; or

8. A sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public.

(g) (1) This subsection applies only in Caroline County.

(2) Bona fide hotels and restaurants, as defined by the Board of License Commissioners, may serve liquors, wines, and beers by the drink only and only upon the premises.

(3) The annual license fee for a:

(i) 6-day license is \$1,000; and

(ii) 7-day license is \$1,250.

(h) (1) (i) This subsection applies only in Carroll County.

(ii) In this subsection "Board" means the Board of License Commissioners.

(2) (i) The annual license fee is \$1,500 for a restaurant and \$1,500 for a hotel.

(ii) This license may be issued to a bona fide hotel which:

1. Is an establishment for the accommodation of the public providing service ordinarily found in hotels;

2. Is equipped with not fewer than 25 rooms, a lobby with registration and mail desk, seating facilities and a dining room which serves full-course meals at least twice daily and which has a regular seating capacity at tables (not including seats at bars or counters) for 50 or more persons; and

3. Is operated in facilities which are valued for purposes of State and local assessment and taxation at not less than \$50,000.

(iii) 1. This license may be issued to a restaurant which meets the following requirements and conditions:

A. Is open for business at least 5 days each week and serves at least 2 full-course meals each day Monday through Friday that it is open and at least 1 full-course meal each day it is open on Saturday and Sunday;

B. Has a regular seating capacity at tables (not including seats at bars or counters) for 50 or more persons; and

C. Is operated in facilities which are valued for purposes of State and local assessment and taxation at not less than \$50,000.

2. A. In this subparagraph “premises” means an area inside the restaurant building where meals are prepared and served, and an area on the outside of the restaurant building that is approved in writing by the Board.

B. This license permits the sale of beer, wine, and liquor for on–premises consumption, the sale of beer for off–premises consumption on any day of the week, and, subject to subparagraph 3 of this subparagraph, the sale of wine for off–premises consumption on any day of the week.

3. A. A holder of the license may sell wine for off–premises consumption if the area used for the preparation and consumption of food and beverages occupies at least 90% of the total square footage of the licensed premises; and

B. The holder of the license may not sell more than six bottles of wine to an individual at one time.

(iv) Whenever application is made for licensing under this subsection for any new or improved building, the supervisor of assessments, at the request of the Board, shall assess the building and advise the Board of the valuation of the building for assessment and taxation purposes.

(v) The valuation of the building for assessment and taxation purposes as set out in subparagraphs (ii) and (iii) of this paragraph does not affect or prohibit in any manner the renewal or transfer of any Class B license issued prior to May 1, 1979.

(3) (i) There is a Class BC license.

(ii) The Board may issue a Class BC restaurant or hotel and caterer’s (on– and limited off–sale) beer, wine and liquor license to an applicant:

1. Who has a restaurant or hotel which meets the licensure requirements and conditions provided under this section; or

2. Who is a holder of a Class B hotel or restaurant (on– and off–sale) beer, wine and liquor license issued in Carroll County, if the holder surrenders the license to the Board before being issued a new license under this paragraph.

(iii) The Class BC restaurant or hotel and caterer’s license issued under this section authorizes the holder to sell:

1. Beer, wine and liquor, 7 days a week, on the restaurant or hotel premises for on–premises consumption;

2. Beer, 7 days a week, on the restaurant or hotel premises for off–premises consumption; and

3. Beer, wine and liquor, 7 days a week, at catered events held

in Carroll County off the restaurant or hotel premises for on-premises consumption.

(iv) The holder of a license issued under this paragraph shall provide food as well as alcoholic beverages for consumption at the catered event.

(v) The annual fee for a license issued under this paragraph is \$250 more than the annual fee for a Class B hotel or restaurant (on- and off-sale) beer, wine and liquor license issued in Carroll County.

(vi) The holder of a license issued under this section may exercise the license privileges only during the hours and days that are permitted under this article for a Class B hotel or restaurant (on- and off-sale) beer, wine and liquor license issued in Carroll County.

(vii) Upon payment of an additional annual license fee of \$250, the holder of a Class BR license has the privileges of the holder of a Class BC license specified in subparagraph (iii)3 of this paragraph, subject to the restrictions set forth in subparagraph (iv) of this paragraph.

(4) (i) 1. There is a Class BR license.

2. In this paragraph, “premises” means an area inside the restaurant building where meals are prepared and served and an area on the outside of the restaurant building that is approved in writing by the Board.

(ii) The annual license fee is \$2,000.

(iii) The Board may issue a Class BR beer, wine and liquor license to an applicant who owns or operates a restaurant that:

1. Serves at least one full-course evening dinner meal at least 5 days a week;

2. Is only open during the time meals are served;

3. Has a regular seating capacity at tables (not including seating at bars and counters) for 50 or more people; and

4. Is operated in facilities which are valued for purposes of State and local assessment and taxation at not less than \$50,000.

(iv) Whenever an application is made for a Class BR license for a new or improved building, the Supervisor of Assessments, at the request of the Board, shall assess the building and advise the Board of the valuation of the building for assessment and taxation purposes.

(v) A Class BR license authorizes the licensee to sell beer, wine and liquor, 7 days a week, on the premises of the restaurant for consumption with meals on

the premises or for consumption on the premises pursuant to regulations adopted by the Board.

(i) (1) This subsection applies only in Cecil County.

(2) The annual license fee is \$750.

(3) (i) Notwithstanding the license quota provisions of § 8–208 of this article, the Board of License Commissioners may issue special Class B licenses known as Class BLX beer, wine and liquor on–sale restaurant licenses.

(ii) To qualify for a Class BLX on–sale license the restaurant shall have:

1. A minimum capital investment of \$450,000 for dining room facilities and kitchen equipment, which sum may not include the cost of land, buildings, or a lease; and

2. A minimum seating capacity of 100 persons.

(iii) The holder of a Class BLX license:

1. Is authorized to sell alcoholic beverages for consumption on the licensed premises only;

2. May not sell alcoholic beverages for off–premises consumption; and

3. May serve alcoholic beverages:

A. Monday through Saturday during the hours and days authorized under a Class B beer, wine and liquor license; and

B. On Sunday as provided under § 11–508 of this article without paying an additional fee.

(iv) The annual fee for a Class BLX license is \$2,500.

(4) (i) There is a Class EF (entertainment facility) beer, wine and liquor license.

(ii) A Class EF license authorizes the holder to sell beer, wine, and liquor by the drink and by the bottle, from one or more outlets in the entertainment facility, for consumption anywhere within the entertainment facility.

(iii) A holder of a Class EF license may not sell alcoholic beverages for off–sale consumption.

(iv) Notwithstanding § 8–208(b) of this article, the Board of License

Commissioners may issue a Class EF license if the applicant has a capital investment in the facility for which the license is sought, not including any real property, of at least \$35,000,000.

(v) The Board may issue one or more Class EF licenses for the same facility.

(vi) A Class EF license authorizes the playing of music and dancing.

(vii) A Class EF license authorizes the sales and serving of beer, wine, and liquor throughout the entertainment facility during those days and hours that the entertainment facility is open for business.

(viii) The annual license fee is \$7,500.

(j) (1) This subsection applies only in Charles County.

(2) (i) There is a Class B–R (restaurant) on–sale beer, wine and liquor license, to be issued by the Board of License Commissioners.

(ii) The license authorizes the sale and consumption of beer, wine and liquor on the premises of a restaurant that:

1. Is primarily engaged in the sale of food and nonalcoholic beverages for consumption on the premises; and

2. Contains a dining room with facilities for preparing and serving meals.

(iii) A license holder may not:

1. Establish an area on the premises of the restaurant that is a bar; or

2. Provide live entertainment.

(iv) The annual license fee is \$360.

(v) In addition to the annual license fee, a license holder shall annually pay \$200 if the license holder provides outdoor table service.

(3) (i) There is a Class B–RB (restaurant/bar) on–sale beer, wine and liquor license, to be issued by the Board of License Commissioners.

(ii) The license authorizes the sale and consumption of beer, wine and liquor on the premises of a restaurant that:

1. Is primarily engaged in the sale of food and nonalcoholic beverages for consumption on the premises;

2. Contains a dining room with facilities for preparing and serving meals; and

3. Contains an area commonly known as a bar, with stools to accommodate patrons with or without service of food.

(iii) The annual license fee is \$460.

(iv) In addition to the annual license fee, a license holder shall annually pay:

1. \$200, if the license holder provides live entertainment; and

2. \$200, if the license holder provides outdoor table service.

(4) (i) There is a Class B–T (tavern) on–sale beer, wine and liquor license, to be issued by the Board of Liquor License Commissioners.

(ii) The license authorizes the sale and consumption of beer, wine and liquor on the premises of a restaurant or bar that:

1. Is primarily engaged in selling and serving alcoholic beverages, on a drink–by–drink basis; and

2. Has a seating capacity of less than 100 people, as determined by the State Fire Marshal.

(iii) The annual license fee is \$460.

(iv) In addition to the annual license fee, a license holder shall annually pay:

1. \$200, if the license holder provides live entertainment; and

2. \$200, if the license holder provides outdoor table service.

(5) (i) There is a Class B–N (nightclub) on–sale beer, wine and liquor license, to be issued by the Board of License Commissioners.

(ii) The license authorizes the sale and consumption of beer, wine and liquor on the premises of a nightclub facility that:

1. Is primarily engaged in selling and serving alcoholic beverages, on a drink–by–drink basis; and

2. Has a seating capacity of more than 100 people, as determined by the State Fire Marshal.

(iii) The annual license fee is \$610.

(iv) In addition to the annual license fee, a license holder shall annually pay \$200 if the license holder provides live entertainment.

(6) (i) There is a Class B–H (hotel) on–sale beer, wine and liquor license, to be issued by the Board of License Commissioners.

(ii) The license authorizes the on premises sale and consumption of beer, wine and liquor in a hotel common area, for a premises primarily engaged in the day–to–day rental of hotel rooms.

(iii) The annual license fee is \$360.

(iv) In addition to the annual license fee, a license holder shall annually pay:

1. \$200, if the license holder provides live entertainment; and
2. \$200, if the license holder provides outdoor table service.

(7) (i) There is a Class B–BLX (luxury restaurant) on–sale beer, wine and liquor license, which is issued by the Board of License Commissioners only to luxury–type restaurants.

(ii) The Class B–BLX license shall be applied for in the same manner as are other classes of licenses.

(iii) The annual license fee is \$2,400.

(iv) A luxury–type restaurant shall be defined by the Board of License Commissioners.

(v) To qualify for a Class B–BLX license a restaurant shall have:

1. A minimum capital investment of \$550,000 for the dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and

2. A seating capacity of at least 150 persons.

(vi) Notwithstanding any other provision of this article, an individual, corporation, limited liability company, partnership, limited partnership, joint venture, association, or other person or combination of persons may not have a direct or indirect interest in any combination in more than 6 Class B–BLX licenses.

(vii) An indirect interest is presumed to exist between any combination of individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons if any of the following conditions exist between them:

1. A common parent company;
2. A franchise agreement;
3. A licensing agreement;
4. A concession agreement;
5. Dual membership in a chain of businesses commonly owned and operated;
6. A sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;
7. Common direct or indirect sharing of profit from the sale of alcoholic beverages; or
8. A sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public.

(8) (i) 1. In this paragraph, “guest” means a person whose name and address appear on the registry that is maintained by the establishment and who is an occupant of a sleeping room in the establishment.

2. “Guest” does not include a person who is registered only for the purpose of obtaining alcoholic beverages.

(ii) There is a Class B–B&B (bed and breakfast) on–sale beer, wine, and liquor license.

(iii) The Board may issue a Class B–B&B (bed and breakfast) on–sale beer, wine, and liquor license.

(iv) To qualify for a Class B–B&B license, the applicant’s establishment:

1. Shall have rooms, excluding the resident management quarters, that the public, for consideration, may use for sleeping accommodations for a specified period of time; and

2. May not have dining facilities that are open to the general public.

(v) A Class B–B&B license holder may sell beer, wine, and liquor only to guests for consumption on the licensed premises.

(vi) The annual license fees are:

1. \$25 for an establishment with one to five bedrooms; or

2. \$50 for an establishment with six or more bedrooms.

(vii) The hours and days for sale under the license shall be in accordance with § 11–509 of this article.

(viii) An applicant for a Class B–B&B license shall meet all other qualifications to hold an alcoholic beverages license in the county.

(ix) The Board may adopt additional regulations consistent with this paragraph.

(x) If the licensed premises ceases to be operated as a bed and breakfast establishment, the license is void.

(9) (i) There is a Class B–Stadium (baseball stadium) on–sale beer, wine and liquor license.

(ii) The Board of License Commissioners may issue a 7–day Class B–Stadium license to:

1. The owner of any professional team franchise, whether the franchise is a partnership, corporation, or limited liability company; or

2. A private concessionaire that is under contract with the County or a professional baseball team franchise.

(iii) A Class B–Stadium license authorizes the holder to sell beer, wine, and liquor on the premises of a baseball stadium owned or operated by the County to individuals present at baseball games or other events held at the stadium.

(iv) Except as provided in subparagraph (v) of this paragraph, beer, wine, and liquor shall be served in plastic, styrofoam, or paper containers on the stadium premises.

(v) Beer, wine, and liquor may be served in glass containers in an enclosed stadium dining area in which patrons are seated.

(vi) A patron:

1. May consume and carry beer and wine anywhere on the stadium premises; but

2. May consume liquor only in the enclosed stadium dining area or bar; and

3. May not carry liquor out of the enclosed stadium dining area or bar.

(vii) The annual fee for the Class B–Stadium license is \$2,200.

(viii) Except for a distributor of beer who is conducting business with a holder of a Class B–Stadium license for the purposes of this paragraph, the holder may not allow any individual to carry alcoholic beverages onto or from the licensed premises.

(ix) The Board of License Commissioners may adopt additional regulations consistent with this paragraph relating to:

1. The manner of dispensing alcoholic beverages;
2. The number of outlets authorized to dispense alcoholic beverages; and
3. The hours and days of sale of alcoholic beverages.

(10) The Board of License Commissioners may adopt regulations to implement this subsection.

(k) (1) This subsection applies only in Dorchester County.

(2) (i) Bona fide restaurants, motels and hotels having restaurant facilities for serving full–course meals at least twice daily and seating capacity at tables for 50 or more persons, not including seats at bars or counters, may obtain a license from the Board of License Commissioners. This license entitles the licensee to sell beer, wines, and liquors.

(ii) The annual license fee is \$1,000.

(3) This license provides for the consumption of beer, wine, and liquor on the premises only.

(l) (1) This subsection applies only in Frederick County.

(2) (i) The annual license fee is \$1,500 for a restaurant and \$2,000 for a hotel.

(ii) Any hotel meeting the minimum requirements of subsection (a)(3) of this section may elect to be issued a license under that subsection, or any bona fide hotel may elect to be issued a license under this subsection if it:

1. Is an establishment for the accommodation of the public providing service ordinarily found in hotels;
2. Is equipped with not fewer than 25 rooms, a lobby with registration and mail desk, seating facilities and a dining room which serves full–course meals at least twice daily and which has a regular seating capacity at tables (not including seats at bars or counters) for 50 or more persons; and
3. Is operated in a physical plant which has a valuation for

purposes of State and local assessment and taxation of not less than \$20,000 and which has a valuation of personal property for purposes of State and local assessment and taxation of not less than \$3,000. This license in a hotel does not permit sales at bars or counters, or sales for consumption anywhere except on the premises on which the meals are prepared and served.

(iii) This license may be issued to a restaurant which:

1. Serves full-course meals at least twice daily;

2. Has a regular seating capacity at tables (not including seats at bars or counters) for 50 or more persons;

3. Is operated in a physical plant which has a valuation for purposes of State and local assessment and taxation of not less than \$40,000 and which has a valuation of personal property for purposes of State and local assessment and taxation of not less than \$5,000. This license in a restaurant permits sales for consumption on the premises on which meals are prepared and served, except in the case of beverages with an alcoholic content of not more than 14.5 percent by volume, which may be sold for off-premises consumption; and

4. A. The area of the licensed premises normally used as a restaurant for the preparation and consumption of food and beverages on the premises may occupy no less than 80 percent of the square foot area, except for recreational use premises such as bowling alleys and pool halls.

B. The provisions of this sub-subparagraph of this subparagraph do not apply to or affect any licensee that had a license on December 31, 1993, or to any person who has a permit for a building that was under construction on that date.

(iv) 1. A restaurant issued a license under this subsection may remove its tables and chairs to accommodate additional patrons at not more than four special events held in the restaurant in a calendar year.

2. A restaurant that removes its tables and chairs for a special event:

A. Shall give notice to the Board of License Commissioners not less than 1 week before the event;

B. Shall store the removed tables and chairs in an appropriate location in the restaurant and in a manner that does not block the exits of the restaurant; and

C. May not allow into the restaurant more than the maximum number of occupants that the County Fire Marshal allows.

(3) (i) Any bona fide hotel or motel may obtain a special Class B (on-sale) beer, wine and liquor license issued by the Board of License Commissioners providing:

1. It is an establishment for the accommodation of the public providing services ordinarily found in bona fide hotels and motels;
2. It contains no less than 15 rooms;
3. It contains a dining room with facilities for preparing and serving full-course meals for at least 50 persons at one seating; and
4. The capital investment in the hotel or motel facility is not less than \$400,000.

(ii) 1. Subject to this special Class B license, sales of all alcoholic beverages may be by the individual drink at any place on the hotel or motel premises.

2. Sales of all alcoholic beverages may be by the bottle at any place on the premises for banquets, parties, hospitality rooms, meetings, and similar functions, and for dinners in the restaurant portion of the premises. However, the customer is not permitted to remove the unused portion of any such bottle from the premises.

3. Alcoholic beverages by the bottle may be sold through room service to bona fide registered patrons in the hotel or motel rooms. However, no more than two bottles may be sold through room service to any one patron in any 24-hour period. Bottles sold through room service may be removed from the premises by the patron upon checking out from the hotel or motel.

(iii) The annual fee for this special Class B license is \$2,000.

(4) (i) The Board of License Commissioners may issue a Class B-B.F. (Banquet Facility) beer, wine and liquor on-sale license for a banquet facility that:

1. Accommodates the public for banquets, parties, meetings, and similar functions;
2. Contains a dining room with adequate facilities for preparing and serving full-course meals for at least 100 persons who are inside the facility or outside on the premises at one seating; and
3. Has a capital investment of not less than \$250,000, excluding the cost of the land, buildings, and leases.

(ii) The Class B-B.F. beer, wine and liquor license authorizes the holder to keep for sale, and sell at retail, beer, wine, and liquor by the drink or by the bottle for on-premises consumption only; provided that:

1. The beer, wine, and liquor are only sold during the function;
2. Except as provided in subparagraph (iii) of this paragraph, the licensee may not sell alcoholic beverages for off-premises consumption;
3. The licensee may not permit alcoholic beverages to be carried off the premises; and
4. Food is furnished at the function where the alcoholic beverages are provided.

(iii) A licensee may sell beer, wine, or liquor for off-premises consumption if the beer, wine, or liquor is:

1. In a collectible bottle commemorating a special anniversary or event; and
2. Sold not more than 30 calendar days before the special anniversary or event.

(iv) The days and hours of sale under this license are as provided in § 11-511 of this article.

(v) The annual license fee for a Class B-B.F. license is \$1,500.

(5) (i) The Board of License Commissioners may issue a special Class B-DT (Dinner Theater) on-sale beer, wine and liquor license for the use of an establishment that:

1. Is operated as a dinner theater;
2. Provides live Broadway-style musicals, comedy, or drama to its customers;
3. Is open to the public by reservation only; and
4. Contains a dining room with facilities for preparing and serving full-course meals for at least 120 persons at one seating.

(ii) The holder of a Class B-DT license is authorized to sell at retail beer and light wine by the drink or by the bottle and liquor by the drink only for on-premises consumption beginning 2 hours before the live performance through the end of the performance on:

1. Monday through Saturday; and
2. Sunday no sooner than 1 p.m.

(iii) The license does not authorize the holder to sell alcoholic

beverages:

or

1. For off-premises consumption by the drink or by the bottle;

2. At any time except in conjunction with the dinner theater.

- (iv) The annual fee for a Class B-DT license is \$1,500.

(6) (i) The Board of License Commissioners may issue a Class B-BB (bed and breakfast) on-sale beer, wine and liquor license for the use of an establishment that:

1. Provides services ordinarily found in a bed and breakfast establishment; and

2. Contains at least one room with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time.

(ii) The holder of a Class B-BB license may sell alcoholic beverages only:

1. For consumption on the premises during the hours and days that are permitted for a Class B on-sale beer, wine and liquor license issued in the county; and

2. To a guest whose name and address appears on the registry that is maintained by the establishment and who is an occupant of a sleeping room in the establishment.

(iii) The holder of a Class B-BB license may not sell alcoholic beverages to a person who is registered at the establishment only to obtain alcoholic beverages.

- (iv) The annual license fee is \$500.

(v) If an establishment ends operations as a bed and breakfast establishment:

1. The Class B-BB license is voided; and

2. The holder shall return the Class B-BB license to the Board of License Commissioners.

(vi) The Board of License Commissioners may adopt regulations to carry out this paragraph.

(7) (i) The Board of License Commissioners may issue a Class B-CI

(country inn) on-sale beer, wine and liquor license for the use of an establishment that:

1. Provides services ordinarily found in a country inn establishment;

2. Contains at least eight rooms with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time; and

3. Has a kitchen facility for guests that is separate from the kitchen facility of the resident management quarters.

(ii) The holder of a Class B–CI license may sell alcoholic beverages only:

1. For consumption on the premises during the hours and days that are permitted for a Class B on-sale beer, wine and liquor license issued in the county; and

2. When accommodating the public for banquets, parties, meetings, and similar functions.

(iii) The annual license fee is \$2,500.

(iv) If an establishment ends operations as a country inn facility:

1. The Class B–CI license is voided; and

2. The holder shall return the Class B–CI license to the Board of License Commissioners.

(v) The Board of License Commissioners may adopt regulations to carry out this paragraph.

(8) (i) There is a Class B–CC (conference center) beer, wine and liquor license.

(ii) The Board may issue the license for an establishment that is equipped with:

1. At least 150 bedrooms for the accommodation of the public;

2. At least one dining area with facilities for preparing and serving regular meals;

3. Rooms for meetings, displays, banquets, balls, dancing, and live entertainment; and

4. A nightclub equipped with a bar and an entertainment or a

dancing area.

(iii) The total average daily receipts from the renting of meeting rooms and bedrooms and the sale of food in the establishment shall exceed the average daily receipts from the sale of alcoholic beverages.

(iv) The license authorizes the sale of beer, wine, and liquor for consumption throughout the licensed premises, both indoors and outdoors, including meeting and banquet rooms, patios, verandas, and green spaces.

(v) The hours of sale are:

1. On Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

2. On Sunday, from 11 a.m. to 2 a.m. the following day.

(vi) The annual license fee is \$2,000.

(9) (i) There is a Class B license in the Ballenger (23rd) election district.

(ii) The Board may issue the license for use by a luxury-type restaurant that has:

1. A capital investment of at least \$250,000 for dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and

2. Seating for at least 50 individuals.

(iii) The license authorizes the sale of beer, wine, and liquor for on-premises consumption.

(iv) The Board of License Commissioners shall define “luxury-type restaurant” by regulation.

(v) The hours of sale are:

1. On Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

2. On Sunday, from 11 a.m. to 2 a.m. the following day.

(vi) The annual license fee is \$1,500.

(10) (i) There is a Class MEC (micro-brewery/entertainment center) license.

(ii) The Board of License Commissioners may issue the license to a

person for use in conjunction with a Class 7 micro–brewery license that the person then obtains from the Comptroller.

(iii) The entertainment center license authorizes the license holder to sell, in an entertainment center for on–premises consumption, malt beverages that are brewed in the license holder’s micro–brewery.

(iv) The entertainment center may:

1. Contain:

A. Rides and games such as bowling lanes, billiard tables, and go–carts; and

B. One or more food service facilities, bars, or lounges; and

2. Allow the playing of music and dancing.

(v) The hours of sale are:

1. On Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

2. On Sunday, from 11 a.m. to 2 a.m. the following day.

(vi) The annual license fee is \$1,500.

(m) (1) This subsection applies only in Garrett County.

(2) (i) A Class B beer, wine and liquor license may be issued for use in a bona fide hotel or motel that:

1. Is an establishment for the accommodation of the public;

2. Provides services ordinarily found in hotels or motels;

3. Is equipped with not less than 25 rooms; and

4. Has a lobby with a registration and mail desk and seating facilities.

(ii) A Class B beer, wine and liquor license may be issued to a restaurant that:

1. Has a seating capacity at tables, not including seats at bars or counters, for 20 or more persons; and

2. Is capable of preparing and serving full–course meals for 20 or more persons at one seating.

(iii) Except at catered events, if the holder has the catering option, the holder is authorized to sell brewed beverages, as defined in this article, for off-premises consumption.

(iv) 1. If the holder has the catering option, this license also authorizes the holder to keep for sale and sell beer, wine, and liquor for consumption at events catered in the county by the licensee off the licensed premises.

2. If the licensee provides alcoholic beverages at a catered event off the licensed premises the holder shall also provide food.

3. The licensee may exercise the catering privileges only during the hours and days that are permitted under the Class B license.

(v) 1. The annual fee for a license with the catering option is \$2,000 and the issuing fee for a new license is \$2,000, in addition to the annual fee.

2. The annual fee for a license without the catering option is \$1,500. The issuing fee for a new license is \$1,500, in addition to the annual fee.

(vi) An application for a license under this subsection shall be denied if the Liquor Control Board determines that the business to be operated under this license will not enhance the recreational, business, and economical development within the county.

(3) (i) In this paragraph, “guest” means a person whose name and address appears on the registry that is maintained by the establishment and who is an occupant of a sleeping room in the establishment. “Guest” does not include a person who is registered solely for the purpose of obtaining alcoholic beverages.

(ii) 1. There is a Class B–B&B license. The Board may issue a 7–day special Class B (bed and breakfast) on–sale beer, wine and liquor license.

2. To qualify for a license under sub–subparagraph 1 of this subparagraph:

A. The applicant’s establishment shall be registered by the county to operate as a bed and breakfast establishment;

B. The applicant’s establishment shall have rooms, excluding the resident management quarters, which the public, for consideration, may use for sleeping accommodations for a specified period of time; and

C. The establishment’s dining facilities may not be open to the general public.

3. A holder of a Class B–B&B license may sell beer, wine, and liquor only to guests for consumption on the premises.

(iii) The annual license fees are:

1. One to five bedrooms: \$25;
2. Six to ten bedrooms: \$50; and
3. Eleven or more bedrooms: \$75.

(iv) The Board shall charge an issuing fee in an amount equal to the annual license fee.

(v) A Class B–B&B license is an on–sale only license.

(vi) The days and hours of sale under this license shall be in accordance with § 11–512(b)(1) of this article.

(vii) An applicant shall meet all other qualifications to hold a license within the county. The Board may adopt additional regulations consistent with this paragraph.

(viii) If the establishment ceases to be operated as a bed and breakfast, the license is void.

(4) (i) In this paragraph, “resort” means a complex that has two or more facilities that are:

1. Located on the same contiguous property;
2. Separated by at least 150 feet from the main area of the licensed premises; and
3. Determined by the Board of License Commissioners to be recreational, hotel, motel, or restaurant facilities.

(ii) The Board may issue a Class B–resort license.

(iii) A Class B–resort license authorizes the licensee to exercise the same privileges as a licensee of a regular Class B (on–sale) hotels and restaurants beer, wine and liquor license.

(iv) The annual license fees are:

1. Two facilities, \$3,000; and
2. Each additional facility, \$1,500.

(v) The Board of License Commissioners shall charge an issuing fee for new licenses in an amount equal to the annual license fee.

(vi) The days and hours of sale under a Class B–resort license shall be in accordance with § 11–512 of this article.

(vii) An applicant shall meet all other qualifications to hold a license within the county.

(viii) The Board of License Commissioners may adopt regulations consistent with this paragraph.

(5) (i) There is a Class BDR (deluxe restaurant) beer, wine and liquor license, which is a Special Class B license.

(ii) A Class BDR license may be issued for a deluxe restaurant, as defined by the Board of License Commissioners.

(iii) Notwithstanding § 9–102(a) of this article, a Class BDR license may be issued to an applicant who already holds a Class B (on–sale) beer, wine and liquor license, a Class B (on–sale) beer and light wine license or a Class B Resort (on–sale) beer, wine and liquor license.

(iv) A Class BDR license may be issued only for the use of a restaurant with:

1. A minimum seating capacity for 85 persons; and

2. A minimum capital investment of \$250,000 for the restaurant facilities, not including the cost of land or buildings.

(v) If an applicant purchases or leases an existing building, the capital investment attributable to the cost of the land and improvements shall be based on the assessed value of the land and improvements in accordance with the records of the Department of Assessments and Taxation at the time of purchase.

(vi) The annual license fee is \$2,250.

(vii) The Board of License Commissioners shall charge a one–time issuing fee for a new license in an amount equal to the annual fee.

(viii) 1. A holder of a Class BDR license may acquire the same catering option that is described under paragraph (2)(iii) and (iv) of this subsection for Class B beer, wine and liquor licenses.

2. The annual catering option fee is \$500.

(ix) The days and hours of sale under a Class BDR license are in accordance with § 11–512(b)(1) of this article.

(x) The Board of License Commissioners may adopt rules and

regulations to carry out this paragraph.

(6) The Board may grant a license holder a privilege at no charge to sell beer, wine, or liquor for consumption off the licensed premises at a catered event if:

(i) The beer, wine, or liquor is bottled in commemorative or special event bottles and sold at a special event;

(ii) The Board approves the commemorative or special event bottles before the event occurs; and

(iii) The beer, wine, or liquor will be sold at the event only on the days and hours allowed by the Board.

(n) (1) This subsection applies only in Harford County.

(2) (i) The annual license fee is:

1. For a 6-day, Monday through Saturday, license:

A. \$1,720 for a restaurant; and

B. \$2,260 for a hotel; and

2. For a 7-day license:

A. \$2,145 for a restaurant; and

B. \$2,685 for a hotel.

(ii) 1. The license permits the sale of liquor for consumption inside the premises only.

2. As to any 6- or 7-day restaurant or hotel license issued prior to July 1, 1984, beer and wine may be sold for consumption on- and off-sale pursuant to § 5-201(n) of this article.

3. As to any 6- or 7-day restaurant license issued on or after July 1, 1984, beer and wine may be sold for consumption on the premises only.

4. These licenses shall be issued by the Liquor Control Board.

(iii) This license may be issued to an applicant for a bona fide hotel which:

1. Is an establishment for the accommodation of the public, providing services ordinarily found in hotels; and

2. Is equipped with no fewer than 25 rooms, a lobby with

a registration and mail desk and seating facilities, and a dining room which serves full-course meals at least twice daily.

(iv) 1. This license in a hotel permits sales at bars or counters, but not liquor, beer, or wine for consumption off the premises.

2. As to any such license issued prior to July 1, 1984, beer and wine may be sold for consumption on- and off-sale pursuant to § 5-201(n) of this article.

(v) This license may be issued to an applicant for a restaurant which meets the following requirements and conditions:

1. Serves full-course meals at least twice daily;

2. Has a regular seating capacity of tables, not including seats at bars or counters for 60 or more persons;

3. Has been in full-time operation as a restaurant for not less than 6 months immediately preceding the time the application is made for the license. However, the 6-month time period requirement does not apply to a licensee whose business has been disrupted or interrupted as a result of fire or other disaster; and

4. Has had daily average receipts from the sale of food in excess of sales of alcoholic beverages during the 6-month period immediately preceding the application for license.

(3) (i) 1. There is a "Class B-3 restaurant/hotel license", which may be issued by the Liquor Control Board to a licensee who has been operating his business establishment under the Class B beer, wine and liquor license for 1 year prior to the application for this license and who is, in the judgment of the Board, equipped and stocked for the continued regular sale of food to customers and guests and does at least 25 percent of his business in the sale of food.

2. The annual license fee:

A. For a six-day, Monday through Saturday, license is \$2,050 for a restaurant and \$2,620 for a hotel.

B. For a seven-day license is \$2,435 for a restaurant and \$3,045 for a hotel.

(ii) 1. The restaurant or hotel may purchase liquor or spirituous beverages from licensed suppliers.

2. This subsection may not be construed to limit the powers of the Liquor Control Board to control the number of licensees under §§ 9-201 and 16-301 of this article.

3. This subsection may not contravene the provisions of §§ 10–103, 10–104, and 11–513 of this article, as the several sections may be amended from time to time.

(4) (i) Any Class B licensee who was granted an option that authorizes the sale of liquor off–sale as provided for in § 6–101(n) of this article shall pay the following additional fees:

1. Six–day restaurant – \$350; and
2. Seven–day restaurant – \$450.

(ii) Any licensee who has been previously granted an option under the provision of § 6–101(n)(5) of this article shall apply that option only to the area described in the application and that area may not exceed 20 percent of the area normally used in the operation of the restaurant business. This area shall be separate and distinct from the restaurant seating area, unless sales are merely from behind the bar. The 20 percent area limitation does not apply to additions or extensions. If the application indicates that off–sale of liquor will be more extensive than from behind the bar, a separate outside entrance for the use of off–sale customers shall be provided.

(iii) Class B licensees who utilize this option shall meet all of the appropriate operating requirements stipulated in this subsection and § 5–201(n) of this article. However, for the purposes of meeting food sale requirements, off–sale liquor receipts may not be included in the calculation of sales.

(5) (i) There is a special Class B on–sale license known as Class BNR which may be issued only to newly opened restaurants that:

1. Have a minimum capital investment of \$250,000 for new dining room facilities and newly installed kitchen equipment, which sum may not include the cost of land, buildings, or a lease;

2. Comply with paragraph (2)(v)1 and 2 of this subsection; and

3. Are as further defined by the regulations of the Liquor Control Board.

(ii) The annual license fee is \$3,000.

(iii) The licensee may serve alcoholic beverages on Monday through Sunday and only between 8 a.m. and 2 a.m. the following morning.

(iv) The Liquor Control Board has complete discretion as to:

1. The number of licenses to be issued; and

2. To whom these licenses shall be issued.

(v) A BNR license is restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises only and provides no off-sale privileges.

(6) (i) There is a Class H-CC (corporate club/conference center) beer, wine, and liquor license.

(ii) The Liquor Control Board may issue the Class H-CC license for an establishment with:

1. A banquet room, conference room, or meeting room that is suitable for public gatherings and equipped with food preparation facilities; and

2. Subject to subparagraph (iii) of this paragraph, a corporate dining room that is reserved for members of a private club and their guests.

(iii) A corporate dining room described in subparagraph (ii)2 of this paragraph:

1. Shall be equipped for the sale of food; and

2. May be used by a private club of at least 25 members who pay an annual membership fee.

(iv) The holder of a Class H-CC license may:

1. Keep for sale and sell beer, wine, and liquor during an event contracted with another person in:

A. Any of the rooms described in subparagraph (ii) or (iii) of this paragraph; and

B. Other areas of the licensed establishment that are approved by the Liquor Control Board;

2. Hold multiple events in the licensed establishment simultaneously;

3. Contract to provide beer, wine, and liquor at an event held off the licensed establishment if the event is in Harford County and the holder also contracts to provide food for consumption at the event; and

4. May not hold more than four self-sponsored events per year in the banquet, conference, or meeting room.

(v) The annual license fee is \$3,000.

(vi) Not more than six Class H-CC licenses may be in effect at a time.

(7) (i) In this paragraph, “guest” means an individual whose name and address appear on the registry that is maintained by the establishment.

(ii) The Liquor Control Board may issue a 7–day special Class B (inn) on–sale beer, wine and liquor license.

(iii) To qualify for the issuance or reissuance of a special Class B (inn) license, the establishment of the applicant or the special Class B (inn) license holder shall:

1. Be approved by the appropriate governing authority to operate as an inn;

2. Have a minimum of 11 rooms or suites, excluding the resident management quarters, which the public, for consideration, may use as guests for sleeping accommodations for a specified period of time;

3. Have a seated dining capacity of a sufficient size to accommodate overnight guests and dinner patrons who are participating in regular meals and special dinner events on the premises of the establishment as allowed under subparagraph (vi) of this paragraph; and

4. Have a kitchen facility that has been approved by the local governing authority.

(iv) 1. The holder of a 7–day special Class B (inn) license may sell, only in conjunction with a meal, alcoholic beverages to guests for consumption on the premises during the days and hours established for a Class B on–sale beer, wine and liquor license for Harford County under this article.

2. The holder of a Class B (inn) license issued after March 6, 2006, may sell beer and wine from the dining room to guests for consumption off the premises, if the holder previously held a Class B (restaurant) license permitting sales of beer and wine for consumption off the premises.

(v) The annual fee for a 7–day special Class B (inn) license is:

1. For an establishment that has 11 through 24 rooms or suites, \$2,500; and

2. For an establishment that has 25 or more rooms or suites, \$3,295.

(vi) 1. The special Class B (inn) license authorizes the holder of the license to:

A. Conduct special dinner events on the premises of the establishment;

B. Allow individuals who are not guests to patronize the establishment for regular and special dinner meals; and

C. Allow guests in buildings that are considered part of the inn establishment operation and are within a reasonable distance from the inn establishment to have alcoholic beverages delivered to them in sealed packages by the licensed inn establishment.

2. For purposes of subparagraph 1C of this subparagraph, a building that is within a reasonable distance from the inn establishment means a building that is located within the same mail unit number as the inn establishment or is not more than one-eighth of a mile from the inn establishment.

(vii) At no time may alcoholic beverages in open containers be transferred, carried, taken, or delivered to, from, or between the inn establishment and other buildings that are considered part of the inn establishment operations.

(viii) The holder of a special Class B (inn) license may not sell alcoholic beverages to a person who:

1. Is not a guest or a patron of the dining facility of the establishment; or

2. Is a guest registered at the establishment only for the purpose of obtaining alcoholic beverages.

(ix) The holder of a special Class B (inn) license may serve alcoholic beverages to guests and dinner patrons on a patio, deck, terrace, or the grounds or other outdoor area that is an integral part of the premises of the inn establishment only with the prior approval of the Liquor Control Board.

(x) 1. Subject to the requirement of subparagraph 2 of this subparagraph, the special Class B (inn) license authorizes the holder of the license to keep for sale and sell beer, wine, and liquor for on-premises consumption during catered events that are catered by the license holder at the inn establishment if the license holder is under contract to cater the event.

2. Food must be served at all catered events at the inn establishment at which alcoholic beverages are provided or sold.

(xi) 1. At no time may an inn be operated solely for the purpose of selling or providing alcoholic beverages.

2. If an establishment ceases to be operated as an inn:

A. The 7-day special Class B (inn) license is void; and

B. The license holder shall return the license to the Liquor

Control Board.

(xii) The Liquor Control Board shall adopt regulations to:

1. Implement the provisions of this paragraph; and
2. Ensure that the primary purpose of the special Class B (inn) license is to allow the holder of the license to operate an establishment as an inn.

(8) (i) There is a 7-day Class B–BB (bed and breakfast) on-sale beer, wine and liquor license that may be issued by the Liquor Control Board.

(ii) To qualify for the issuance or reissuance of a Class B–BB license, the applicant's or the Class B–BB license holder's establishment, as appropriate, shall:

1. Provide services ordinarily provided by a bed and breakfast establishment;
2. Contain at least one room but not more than 10 rooms, each with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time;
3. Be approved by the appropriate local government authority to operate as a bed and breakfast establishment; and
4. Have a kitchen facility that has been approved by the appropriate local government authority.

(iii) The holder of a Class B–BB license may sell alcoholic beverages only:

1. For consumption on the premises during the hours and days that are allowed for a Class B on-sale beer, wine and liquor license issued in the county; and
2. To a guest whose name and address appears on the registry that is maintained by the establishment and who is an occupant of a sleeping room in the establishment.

(iv) The holder of a Class B–BB license may not sell alcoholic beverages to a person who:

1. Is not a guest of the establishment; or
2. Is registered as a guest at the establishment only for the purpose of obtaining alcoholic beverages.

(v) 1. Subject to the requirement of subparagraph 2 of this subparagraph, the Class B–BB license authorizes the holder of the license to keep for

sale and sell beer, wine and liquor for on-premises consumption during catered events that are catered by the license holder at the bed and breakfast establishment if the license holder is under contract to cater the event.

2. Food must be served at all catered events at the bed and breakfast establishment at which alcoholic beverages are provided or sold.

(vi) The annual license fee for a Class B–BB license is \$1,000.

(vii) 1. At no time may a bed and breakfast establishment be operated solely for the purpose of selling or providing alcoholic beverages.

2. If an establishment ends operations as a bed and breakfast establishment:

A. The Class B–BB license is void; and

B. The holder shall return the Class B–BB license to the Liquor Control Board.

(viii) The Liquor Control Board shall adopt regulations to:

1. Implement this paragraph; and

2. Ensure that the primary purpose of the Class B–BB license is to allow the holder of the license to operate an establishment as a bed and breakfast establishment.

(9) (i) The Liquor Control Board may issue a special Class BFD (fine dining) on-sale beer, wine and liquor license.

(ii) The license authorizes the licensee to serve only full-course dinners at least 5 days a week.

(iii) A restaurant with a Class BFD license must open for business not later than 5 p.m. and comply with the requirements of § 1–102(a)(22)(iii) of this article.

(iv) The annual fees are:

1. \$2,500 for a 6-day license, Monday through Saturday; and

2. \$2,900 for a 7-day license.

(v) The Liquor Control Board shall adopt rules to carry out this subsection.

(10) (i) The Liquor Control Board may issue a special Class B Cafe beer, wine and liquor license.

(ii) The annual license fee is \$3,000.

(iii) A cafe license entitles the holder to sell:

1. Beer and wine for consumption on or off the licensed premises; and

2. Liquor for consumption on the licensed premises only.

(iv) A cafe license is a 7-day license with an on-premises wine tasting privilege for every day of the year.

(v) The Liquor Control Board shall set the maximum number of cafe licenses that it may issue under this paragraph.

(vi) The Liquor Control Board shall set a maximum and a minimum seating capacity for each cafe license it issues.

(vii) A cafe license may be exercised at an establishment only if:

1. The Liquor Control Board determines that the establishment has adequate tables, chairs, food, and facilities for preparing and serving meals;

2. The average gross monthly receipts from the sale of cooked or prepared food served at the establishment and other items approved by the Liquor Control Board exceed 50% of the average monthly receipts from the sale of beer, wine and liquor sold for on-premises consumption; and

3. Not more than 10% of the total square footage of the establishment is dedicated to the public display of beer and wine that is offered for sale.

(viii) A cafe license may be used for off-premises catering.

(o) In Howard County the annual fee is \$1,000.

(p) (1) (i) This subsection applies only in Kent County.

(ii) In this subsection, "Board" means the Board of License Commissioners.

(2) (i) The Board may issue a Class B beer, wine and liquor license for use in a restaurant.

(ii) To qualify for licensure under this subsection, the restaurant shall:

1. Be fully equipped with a proper and adequate dining room;

- the public; and
2. Have sufficient facilities for preparing and serving meals to
 3. Be approved by the Board.

(iii) When operating under this license, a holder's average daily receipts from the sale of food shall comprise at least 60 percent of the average daily receipts of the business.

(iv) The annual license fee under this subsection is \$2,000.

(v) On Sunday, the holder is authorized under the license to sell:

1. Beer, wine and liquor for consumption on-premises to a customer:

A. If the customer is seated at a table and not at a bar or on a bar stool;

B. If the alcoholic beverage is a supplement to the customer's meal; and

C. If the total price of the alcoholic beverages does not exceed the total price of the meal; and

2. Only beer and light wine for consumption off the premises.

(3) (i) In this subsection, "guest" means a person whose name and address appears on the registry that is maintained by the establishment and who is an occupant of a sleeping room in the establishment. "Guest" does not include a person who is registered solely for the purpose of obtaining alcoholic beverages.

(ii) 1. The Board may issue a 7-day special Class B (bed and breakfast) on-sale beer, wine and liquor license.

2. To qualify for a license under subparagraph 1 of this subparagraph, the applicant's establishment shall:

A. Be licensed by the county to operate as a bed and breakfast establishment; and

B. Have a maximum of 3 rooms, excluding the resident management quarters, which the public, for consideration, may use for sleeping accommodations for a specified period of time.

3. A holder of a 7-day special Class B (bed and breakfast) license may sell beer, wine, and liquor to guests for consumption on the premises during the days and hours established for a Class B on-sale restaurant beer, wine and

liquor license for Kent County under this article.

4. The annual license fee is \$350.

5. The Board may adopt additional regulations consistent with this subsection.

6. If the establishment ceases to be operated as a bed and breakfast, the license is void.

(iii) 1. The Board may issue a 7-day special Class B (country inn) on-sale beer, wine and liquor license.

2. To qualify for a license under subparagraph 1 of this subparagraph, the applicant's establishment shall:

A. Be licensed by the county to operate as a country inn;

B. Have a maximum of 10 rooms, excluding the resident management quarters, which the public, for consideration, may use for sleeping accommodations for a specified period of time; and

C. Have a kitchen facility for the guests that is separate from the kitchen facility for the resident management quarters.

3. The holder of a 7-day special Class B (country inn) license may sell beer, wine, and liquor to guests for consumption on the premises during the days and hours established for a Class B on-sale restaurant beer, wine and liquor license for Kent County under this article.

4. The annual license fee is \$550.

5. The Board may adopt additional regulations consistent with this subsection.

6. If the establishment ceases to be operated as a country inn, the license is void.

(4) (i) The Board may issue a special Maryland Wine License Privilege.

(ii) To qualify for a special Maryland Wine License Privilege, an applicant shall be a holder of a Class B (on-sale) beer and wine license or beer, wine and liquor license for use on a premises that qualifies as a restaurant under paragraph (2)(ii) of this subsection.

(iii) A special Maryland Wine License Privilege authorizes the holder to sell wine by the bottle for off-sale without the cost of the wine counting as a part of the average daily receipts of the business required to meet the minimum 60 percent

food sales requirement under paragraph (2)(iii) of this subsection.

(iv) The annual fee for the special Maryland Wine License Privilege is \$100.

(v) The special Maryland Wine License Privilege is not a separate class of license but shall be considered part of the existing Class B (on-sale) beer and wine license or beer, wine and liquor license of the holder of the special Maryland Wine License Privilege.

(q) (1) (i) This subsection applies only in Montgomery County.

(ii) 1. In this subsection the following words have the meanings indicated.

2. “Board” means the Board of License Commissioners.

3. “Dining area” means the area occupied by patrons for the consumption of food and includes a cocktail area where food need not be served if there is no separate outdoor entrance to the cocktail area.

(2) (i) 1. The Board may issue this license only to the owner or operator of any restaurant or hotel.

2. The restaurant shall be located in the second, third, fourth, sixth, seventh, eighth, ninth, tenth, or thirteenth election districts.

3. The licensee may not be located in the Towns of Poolesville and Kensington.

(ii) 1. As a prerequisite for the initial issuance of a license under this subsection, the owner or operator shall attest in a sworn statement that gross receipts from food sales in the restaurant or hotel will be at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages.

2. As a prerequisite for each renewal of a license issued under this subsection, the owner or operator shall attest in a sworn statement that the gross receipts from food sales in the restaurant or hotel for the 12-month period immediately preceding the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages.

3. The Board by regulation shall provide for periodic inspection of the premises and for audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.

4. Any regulations adopted by the Board shall include a requirement of at least monthly physical inspections of the premises during the initial license year of any licensee and the submission by the licensee to the Board, during

the initial license year, of monthly statements showing gross receipts from the sale of food and gross receipts from the sale of alcoholic beverages for the immediately preceding month.

5. In the event that a licensee, during the initial license year, fails to maintain the sales ratio requirement provided in this paragraph for a period of three consecutive months or after the initial license year for each license or calendar year, the Board, in its discretion, may revoke the license. The Board may require any licensee to provide supporting data as it, in its discretion, deems necessary, in order to establish that the requirements of this section relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages have been met.

(iii) A license issued under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(iv) The annual license fee is \$2,500.

(3) (i) There is a special Class B license known as Class B–BWL (H–M) which shall be issued only for hotels and motels that meet the minimum requirements set forth in subsection (a)(3) of this section. All of the privileges and restrictions provided for in paragraph (2) of this subsection are applicable to this special Class B license except that registered guests may be served in their rooms. In any instance where there is more than one licensed establishment within the hotel or motel, the foregoing sales ratio shall be applicable only to one license and that shall be the one that provides the food and beverage service to the conventions, banquets and other groups that utilize facilities within the hotel or motel.

(ii) The annual license fee is \$2,500.

(4) (i) In this paragraph, “performing arts facility” means a facility that is used for artistic, corporate, and community related activities.

(ii) There is a special Class B–BWL (performing arts facility) license.

(iii) The Board of License Commissioners may issue a special Class B–BWL (performing arts facility) license to apply only to a performing arts facility that has:

1. A minimum capital investment, not including real property, of \$1,000,000;
2. A minimum capacity of 1,500 persons; and
3. A food service facility permit and 40 seats in a food service area.

(iv) The Board may issue a special Class B–BWL (performing arts facility) license for use by a not–for–profit partnership, limited liability company,

corporation, or other entity that leases the performing arts facility to host artistic, corporate, and community related activities.

(v) 1. A special Class B–BWL (performing arts facility) license authorizes the holder to sell beer, wine, and liquor by the drink from one or more outlets on the licensed premises for consumption on the licensed premises.

2. A holder of a special Class B–BWL (performing arts facility) license may only exercise the privileges under the license from 10:00 a.m. on any day until 2:00 a.m. the following day.

3. A holder of a special Class B–BWL (performing arts facility) license may not sell alcoholic beverages at:

A. A high school graduation held on the licensed premises; or

B. A community meeting held, without food service, on the licensed premises.

(vi) The Board may impose conditions on the issuance or renewal of a special Class B–BWL (performing arts facility) license that establish the areas in the performing arts facility where beer, wine, and liquor may be sold, served, possessed, or consumed.

(vii) The Board may not approve the transfer of a special Class B–BWL (performing arts facility) license to another location.

(viii) The annual license fee for a special Class B–BWL (performing arts facility) license is \$1,000.

(5) (i) In this paragraph, “community performing arts facility” means a facility that is used for shows, live performances, theater productions, art classes, exhibits, visual art shows, weddings, banquets, and community–related activities.

(ii) There is a Special BWL Community Performing Arts Facility license.

(iii) The Board may issue a Special BWL Community Performing Arts Facility license to apply only to a performing arts facility that has a minimum capacity of 200 persons and a maximum capacity of 1,499 persons.

(iv) The Board may issue the license for use by a not–for–profit partnership, a limited liability company, a corporation, or any other entity that owns or leases the performing arts facility.

(v) 1. The license authorizes the holder to sell beer, wine, and liquor by the drink from one or more outlets on the licensed premises for consumption on the licensed premises.

2. A holder of the license may exercise the privileges under the license from 10 a.m. on any day until 2 a.m. the following day.

(vi) The Board may impose conditions on the issuance or renewal of the license that establish the areas in the community performing arts facility where beer, wine, and liquor may be sold, served, possessed, or consumed.

(vii) The Board may not approve the transfer of the license to another location.

(viii) 1. A holder of a Class B–BWLHR license with catering authority, a Montgomery County Catering license (CAT), or a Statewide Caterer license (SCAT) may bring alcohol and food on the licensed premises under the terms of a contract with a holder of a Special BWL Community Performing Arts Facility license.

2. A violation of this article that occurs when a caterer brings alcohol on licensed premises as provided under subparagraph 1 of this subparagraph is the responsibility of the caterer and is not the responsibility of the holder of the license.

(ix) A holder of the license shall ensure that food is provided during the hours alcoholic beverages are sold, served, possessed, or consumed.

(x) The Board may issue no more than three licenses to a not–for–profit partnership, a limited liability company, a corporation, or any other entity that owns or leases performing arts facilities in separate locations.

(xi) The annual license fee is \$750.

(6) (i) There is a special Class B license known as a Class B–BWL (clubhouse/lodge) license.

(ii) The Board may issue a Class B–BWL (clubhouse/lodge) license only to the Executive Director of the Montgomery County Revenue Authority, or the Executive Director’s designee, for use by a multi–use facility that accommodates a golf course, a restaurant, a clubhouse, a tasting bar, and the catering of events anywhere on the property.

(iii) A Class B–BWL (clubhouse/lodge) license authorizes the holder to:

1. Sell beer and wine for consumption off the licensed premises;

2. Sell beer, wine, and liquor for consumption on the licensed premises; and

3. Offer samples of alcoholic beverages at no charge or for a

fee.

(iv) The restrictions contained in paragraph (2) of this subsection do not apply to the issuance of a Class B–BWL (clubhouse/lodge) license.

(v) The annual license fee for a Class B–BWL (clubhouse/lodge) license is \$1,000.

(7) (i) There is a Class BD–BWL license.

(ii) A Class BD–BWL license authorizes the holder to sell:

1. Beer and wine for consumption on or off the licensed premises; and

2. Liquor for consumption only on the licensed premises.

(iii) 1. As a prerequisite for the initial issuance of a license under this paragraph, the owner shall attest in a sworn statement that gross receipts from food sales will be at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages:

A. From 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday; and

B. From 10 a.m. to 9 p.m. on Sunday.

2. As a prerequisite for each renewal of a license issued under this paragraph, the owner shall attest in a sworn statement that the gross receipts from food sales for the 12–month period immediately preceding the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages:

A. From 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday; and

B. From 10 a.m. to 9 p.m. on Sunday.

3. The Board by regulation shall provide for periodic inspection of the premises and for audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.

4. Regulations adopted by the Board shall include a requirement of:

A. At least monthly physical inspections of the premises during the initial license year of any licensee; and

B. The submission by the licensee to the Board, during the

initial license year, of monthly statements showing gross receipts from the sale of food and gross receipts from the sale of alcoholic beverages for the immediately preceding month.

5. A. If a licensee during the initial license year fails to maintain the sales ratio requirement provided in this paragraph for 3 consecutive months or, after the initial license year, for each license or calendar year, the Board may revoke the license.

B. The Board may require a licensee to provide supporting data as the Board considers necessary to establish that the requirements of this subparagraph relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages have been met.

(iv) A holder of a Class BD–BWL license may also hold a Class 7 micro–brewery license issued for a location in the County.

(v) A license holder may not hold more than 1 Class BD–BWL license.

(vi) On any day of the week, the hours of sale are:

1. For consumption on the licensed premises, from 10 a.m. to 2 a.m. the following day; and

2. For consumption off the licensed premises, from 6 a.m. to 1 a.m. the following day.

(vii) The annual fee for a Class BD–BWL license is \$3,500.

(r) (1) (i) This subsection applies only in Prince George’s County.

(ii) 1. In this subsection the following words have the meanings indicated.

2. “Board” means the Board of License Commissioners.

3. “Restaurant” means any establishment:

A. Located in a permanent building with ample space and accommodations commonly known as a restaurant where hot meals are habitually prepared, sold and served to the public during the hours it is regularly open for business;

B. Having at least the minimum sanitary facilities required for an establishment by the regulations of the county health department and shall meet the minimum health requirements of these regulations;

C. Having a dining area or areas with sufficient tables, chairs or booths to comfortably seat and accommodate patrons;

D. Equipped with a kitchen having complete facilities and utensils for preparing hot and cold meals to the public;

E. Employing a sufficient number of cooks, waiters or waitresses to serve the number of patrons provided for in the dining area or areas; and

F. Maintaining and displaying a menu advertising the serving of a variety of hot meals. There shall be on the premises at all times sufficient food to fill orders made from the menu.

(2) (i) 1. The annual license fee is \$1,455.

2. The licensee may not make any sale of alcoholic beverages for consumption off the licensed premises except from the main bar and within the main portion of the dining room facilities.

(ii) 1. A separate license fee may be charged whenever the applicant for or holder of a Class B (on-sale) beer, wine and liquor license proposes to or in fact establishes and conducts on the licensed premises, an area or portion of these licensed premises, where there are maintained "off-sale" shelves or counters not contained within and an integral part of the main bar and in the main dining facilities where the majority of the meals are served and consumed in the licensed premises (whether enclosed or opened, partitioned or otherwise partly separated from the main bar or the usual serving area within these premises for the sale of alcoholic beverages for consumption on the premises and not part of the premises where the major portion of meals are served and consumed in these licensed premises) for the sale of alcoholic beverages for consumption off the licensed premises.

2. The annual license fee is \$2,420.

(iii) 1. The license holder under this subsection may sell alcoholic beverages for consumption off the premises from any portion of these premises other than from the main bar, or the usual place maintained for sale of alcoholic beverages for consumption on the premises and where the major portion of the meals are consumed in these premises.

2. The annual license fee for this privilege is \$2,420.

(iv) The number of licenses which are permitted to have any off-sale privileges referred to in this subsection are limited to those licenses having the permit and facilities on May 28, 1969.

(v) Any interruption of restaurant facilities for any reason shall be reported to the Board promptly.

(vi) Any drug, candy or confectionery store may not be construed to be a restaurant.

(vii) On and after May 1, 1966, any new application for a beer, wine and liquor license, Class B may not be granted by the Board, and any transfer from one location to another location by the same license holder, and any transfer from one license holder to another at the same location, or from one license holder to another at a different location, may not be approved unless the establishment where it is proposed to locate or transfer the license meets the standards contained in this section.

(3) (i) This license may be issued to any agricultural association, agricultural fair association or any other association duly authorized to conduct racing under the provisions of the Maryland Horse Racing Act where restaurant facilities are available or to duly authorized concessionaires of any association, or to any organization on any other day, exclusive of racing days, where the premises and facilities of this association are used for a limited period of time for legitimate theatrical productions, social receptions, and any bona fide entertainment conducted by any club, society or association, or for any bona fide religious, fraternal, civic, war veterans, hospital or charitable organizations upon payment of a license fee of \$60 per day for the period of this license.

(ii) At least one officer of the corporation or the concessionaire, whichever applies for the license, shall be a resident of the State of Maryland. The residency requirements specified in § 9–101 of this article as it pertains to Prince George’s County do not apply to an issuance, renewal or transfer of this license.

(4) (i) There is a special Class B license known as Class BH, which may be issued only to hotels.

(ii) The annual license fee is \$5,000.

(iii) In this paragraph, “hotel” means an establishment:

1. That is recognized as a hotel for the accommodation of the public providing services ordinarily found in hotels;

2. That is equipped with:

A. Not less than 45 bedrooms;

B. A lobby with registration and mail desk and seating facilities; and

C. A dining room with facilities for preparing and serving regular meals;

3. Where the average daily receipts from the hire of rooms and the sale of food exceeds the average daily receipts from the sale of alcoholic beverages;

4. Where the capital investment in the facility, including the building or buildings and all fixtures and systems contained therein and components thereof, parking compound, swimming pool and other recreational areas, landscaping, site preparation and improvements and infrastructure, engineering, architectural and other similar costs but excluding the cost of land furnishings and removable equipment and personal property, is not less than \$30,000 per bedroom; and

5. That collects the County hotel occupancy tax from guests using the establishment.

(iv) Class BH licenses are subject to all other provisions pertaining to Class B beer, wine and liquor licenses, except that any restrictions against the sale of alcoholic beverages on Sunday appearing in § 11-517 of this article and elsewhere in this article do not apply; and any alcoholic beverages may not be sold, served or consumed on the licensed premises on Sunday after 2 a.m. and before 10 a.m.

(v) 1. In addition to the other privileges granted under this paragraph, a holder of a Class BH beer, wine and liquor (on-sale) license for hotel use may sell alcoholic beverages in sealed containers to hotel guests who are 21 years of age or older if:

A. The alcoholic beverages, other than beer and wine, are sold in sealed containers of under 200 milliliters;

B. The alcoholic beverages are sold from locked prestocked private bars located within individual guest rooms; and

C. The charges for the alcoholic beverages sold are indicated on the respective guest room bill.

2. If a room is rented to a guest under 21 years of age, the hotel management is responsible for removing the bar key from the room.

(vi) A Class BH license holder that obtains a special entertainment permit under paragraph (19)(ii) of this subsection may allow an individual under the age of 21 years to be present on the licensed premises while alcoholic beverages are being served during any of the following events:

1. Anniversary party;
2. Baby shower;
3. Baptism reception;
4. Bar Mitzvah;
5. Bat Mitzvah;

6. Beautillion;
7. Birthday party;
8. Book signing;
9. Church event;
10. Confirmation reception;
11. Corporate reception;
12. Cotillion;
13. Engagement party;
14. Faith based event;
15. Family reunion;
16. Family themed theatrical;
17. Graduation party;
18. Performance;
19. Political event;
20. Retirement party;
21. Rights of passage event;
22. Scholarship award ceremony;
23. School event;
24. Tea party;
25. Wedding;
26. Wedding reception;
27. Wedding shower; and
28. A family-oriented event, as defined in regulations adopted by the Board under subparagraph (vii) of this paragraph.

(vii) The Board shall adopt regulations to establish compliance with the provisions of this paragraph.

(5) (i) There is a special Sunday “on–sale” permit.

(ii) The annual fee for a special Sunday “on–sale” permit is \$850, which is in addition to the annual fee for the Class B beer, wine and liquor license to which it is attached.

(iii) 1. The Board may issue to the holders of a Class B beer, wine and liquor license who meet the qualifications specified in paragraph (2) of this subsection a special Sunday “on–sale” permit to allow the holder to keep for sale and to sell at retail beer, wine and liquor on Sunday for consumption on the licensed premises.

2. Sales may be made between the hours of 12 noon and 2 a.m. the following day.

3. The average daily receipts from the sale of food shall equal 40 percent of the total daily receipts from the sale of “on–sale” food and alcoholic beverages in the establishments where it is proposed to locate this permit, and the ratio of food sales to the sale of alcoholic beverages has been maintained for at least 6 months prior to the application for this permit. For a newly licensed establishment the Board may immediately authorize the issuance of a special Sunday “on–sale” permit if in the opinion of the Board and upon good cause shown the newly licensed establishment meets the specifications of paragraph (2) of this subsection pertaining to the preparation, serving and sale of food and if the holder of the license complies with the provisions of this paragraph. Applicants for a special Sunday “on–sale” permit shall furnish the Board with any proof it considers necessary indicating the qualifications of the establishment to be issued this permit.

(iv) The holder of a special Sunday “on–sale” permit is subject to all other provisions of this article pertaining to Class B beer, wine and liquor licenses, except that any restrictions on the sale of alcoholic beverages on Sunday appearing in § 11–517 of this article and elsewhere may not apply. Holders of this permit shall submit to the Board, from time to time at regular intervals to be established by the Board, a statement indicating in detail the ratio of food sales to the sales of alcoholic beverages. If the average daily receipts from the sale of food fail for 3 successive months to equal 40 percent of the total daily receipts from the sale of food and alcoholic beverages, the Board shall cancel this permit. Class B beer, wine and liquor licensees with a special Sunday “on–sale” permit and Class BH licensees may sell beer, wine and liquor by the drink from the bar or a cocktail lounge to persons on the licensed premises.

(v) The Board may adopt regulations it considers necessary relating to the issuance, suspension, and cancellation of these permits in furtherance of this subsection.

(6) (i) There is a Class BLX license, which is a special Class B license.

(ii) The annual license fee is \$3,025.

(iii) 1. Class BLX licenses may be issued only to luxury type restaurants, a term which shall be defined by the regulations of the Board.

2. The restaurant shall have a minimum capital investment of \$1,000,000 for dining room facilities and kitchen equipment, which sum may not include the cost of land, buildings or a lease.

3. The restaurant shall have a minimum seating capacity of 100 persons.

4. The Board has complete discretion as to whom these licenses may be issued, the number to be issued, and whether an existing license holder of an alcoholic beverages license may also have an interest in one Class BLX license.

5. Subject to sub-subparagraphs 6, 7, and 8 of this subparagraph, an individual or corporation may hold not more than 10 Class BLX licenses.

6. A license holder may be issued a fifth BLX license only if the date of application for a fifth license is at least 1 year after the date the license holder was issued the fourth license.

7. A license holder may be issued a sixth BLX license only if the date of application for a sixth license is at least 1 year after the date the license holder was issued the fifth license.

8. In determining whether to issue a fifth, sixth, seventh, eighth, ninth, or tenth BLX license to a single license holder, the Board of License Commissioners for Prince George's County:

A. Shall consider the number of licensed establishments existing in the area surrounding the site of the proposed licensed establishment; and

B. May issue the additional license only if the Board determines that the proposed licensed establishment will enhance the recreational, business, and economic development of the area.

9. This license is limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises only, with no off-sale privileges to be exercised.

10. The residency requirements specified in § 9-101 of this article as it pertains to Prince George's County do not apply to Class BLX licenses.

(iv) If the requirements under subparagraph (iii) of this paragraph are satisfied, the Board of License Commissioners may issue or transfer one Class BLX license on behalf of any of the following:

- Commission; or
1. Prince George's County;
 2. The Maryland–National Capital Park and Planning Commission; or
 3. A private concessionaire under contract with either:
 - A. Prince George's County; or
 - B. The Maryland–National Capital Park and Planning Commission.

(v) If a license is issued under subparagraph (iv) of this paragraph, the profit realized from the sale of alcoholic beverages under this license may be for the use and benefit of Prince George's County, the Maryland–National Capital Park and Planning Commission, or a concessionaire under contract as provided under subparagraph (iv) of this paragraph.

(7) Repealed.

(8) (i) There is a Class BCE license.

(ii) The annual license fee is \$3,630.

(iii) The Board may issue a special Class B on–sale beer, wine and liquor license to be known as Class BCE which shall be issued only to catering establishments.

(iv) A catering establishment shall be defined by the regulations of the Board which shall require that:

1. The catering establishment have a minimum capital investment of \$1,000,000 for dining room facilities and kitchen equipment. This sum may not include the cost of land, buildings, or a lease; and

2. A minimum seating capacity of 150 persons.

(v) The Board shall prescribe regulations pertaining to the hours and days of sale.

(vi) Food shall be served with alcoholic beverages.

(vii) A Class BCE license is limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises by participants of catered events only, and off–sale privileges may not be exercised.

(9) (i) There is a Class B/ECF license.

(ii) The annual fee is \$4,325.

(iii) 1. Notwithstanding the provisions of § 9–217(e)(1) of this article, the Board may issue a Class B/ECF beer, wine and liquor license, to be known as an “educational conference facility” license, to the University of Maryland, University College Center of Adult Education.

2. The licensee may sell beer, wine, and liquor by the drink within the Center, from one or more outlets, for consumption on the licensed premises to any person or persons authorized by the proper authority to use the Center. The application for this license shall be filed and processed in the normal manner.

(iv) The policies of the Center that pertain to the sponsorship of events where alcoholic beverages may be sold shall be filed with the application.

(v) 1. The license shall be issued to the individual authorized by the University College Center of Adult Education of the University of Maryland to act for it, assume all responsibility, and be subject to all the penalties, conditions, and restrictions imposed upon licenses under this article. The individual shall be a resident and registered voter of Prince George’s County.

2. All profits from the sale of alcoholic beverages shall be deposited into the food services income fund.

3. The residency requirements specified in § 9–101 of this article as it pertains to Prince George’s County do not apply to Class B/ECF licenses.

(vi) The Board shall prescribe regulations pertaining to the manner of dispensing alcoholic beverages, and the hours and days of sale authorized in § 11–517 of this article. The licensee is subject to all the provisions of this article and to the regulations of the Board.

(10) (i) There is a special Class B license known as Class B–CI.

(ii) The annual license fee is \$1,515.

(iii) The Class B–CI license shall be issued only to country inns.

(iv) A “country inn” means:

1. An establishment for the accommodation of the public equipped with a dining room with facilities for preparing and serving regular meals, wherein the average daily receipts from the sale of foods exceed the average daily receipts from the sale of alcoholic beverages, and which is located within:

A. A building that appears on the National Register of Historic Places; or

B. A building that has historic, cultural, or architectural significance because it:

I. Has character, interest, or value as part of the development, heritage, or cultural characteristics of the county, State, or nation; or

II. Is the site of a significant historic event; or

III. Is identified with a person or a group of persons who influenced society; or

IV. Exemplifies the cultural, economic, industrial, social, political, or historical heritage of the community; or

V. Embodies the distinctive characteristics of a type, period, or method of construction; or

VI. Represents an established and familiar visual feature of the neighborhood, community, or county due to its singular physical characteristic or landscape; and

VII. Possesses high artistic values; or

C. A building that has been constructed or reconstructed on a site that is classified as a historic site in the historic sites and districts' plan for Prince George's County, and that meets the criteria of parts B. IV, B. V, and B. VII of this paragraph.

2. In addition to the criteria in sub-subparagraph 1 of this subparagraph, a country inn must meet all the following criteria:

A. The exterior of the building must give the appearance of appropriate age.

B. The grounds must include appropriate landscaping, gardens, and appurtenances.

C. Except for restrooms, the interior of the building in all areas open to the public must be decorated and furnished in the style appropriate to the period in which the building was constructed, or the period the building was constructed to exemplify. However, electric lighting may be used if the lighting fixtures are of a style compatible with the decor of the inn.

D. The employees of the country inn who regularly and customarily are in view of patrons in the dining area must be attired in clothing or costume appropriate to the period exemplified by the inn.

E. Any entertainment provided by the country inn must exemplify the kind of entertainment typical of the period represented by the inn.

3. The Board may adopt regulations that specify additional

standards and criteria not inconsistent with this section.

(v) The Board may determine to whom these licenses shall be issued, the number to be issued, and whether an existing license holder of an alcoholic beverages license in Prince George’s County may also have an interest in one Class B–CI license.

(vi) A licensee may not hold more than two Class B–CI licenses.

(vii) Class B–CI licenses are limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises only, with no off–sale privileges to be exercised therewith.

(viii) The Board may not issue more than two Class B–CI licenses.

(11) (i) There is a Class B–ECR license.

(ii) The annual license fee is \$2,420.

(iii) In this paragraph “Commission” means the Maryland–National Capital Park and Planning Commission.

(iv) 1. The Board may issue a special 7–day Class B–ECR (Equestrian Center restaurant) on–sale beer, wine and liquor license for the exclusive use on the premises of the Commission’s Equestrian Center restaurant located within Prince George’s County.

2. The special 7–day Class B–ECR on–sale beer, wine and liquor license authorizes the sale of beer, wine, and liquor by the drink for consumption on the restaurant premises by the holder or a private concessionaire under contract with the holder to operate the licensed premises.

(v) 1. A special 7–day Class B–ECR on–sale beer, wine and liquor license shall be issued to the Commission for use in the Commission’s Equestrian Center restaurant upon the Commission’s making application and qualifying as a license holder under this article.

2. The residency requirement under § 9–101 of this article does not apply to an applicant for this license under this paragraph.

(vi) Any profit made from the sale of beer, wine, and liquor by the holder of a license issued pursuant to this paragraph may be for the use and benefit of the Commission.

(12) (i) There is a Class B–ECF/DS license.

(ii) The annual license fee is \$7,425.

(iii) The Board may issue a special Class B beer, wine and liquor (on-sale) license known as a Class B-Education Conference Facility/Dining Service license (Class B-ECF/DS license).

(iv) A Class B-ECF/DS license may only be issued to an individual who is:

1. Authorized by the University of Maryland, College Park to act on its behalf under this license and be subject to the conditions, restrictions, and penalties under this article; and

2. A resident and registered voter of Prince George's County.

(v) The residency requirement under § 9-101 of this article does not apply to a license applicant under this paragraph.

(vi) A Class B-ECF/DS license authorizes the holder to sell beer, wine, and liquor from multiple designated outlets on the University's campus only at University-related functions catered by the Department of Dining Services.

(vii) 1. A Class B-ECF/DS license is restricted to on-sale privileges only.

2. Any alcoholic beverages purchased at a designated outlet shall be consumed within the confines of that outlet and may not be transported to another outlet.

(viii) All profits from the retail sale of alcoholic beverages under this paragraph shall be deposited in the Dining Services Income Fund of the University of Maryland.

(ix) The Board:

1. May regulate the manner in which alcoholic beverages are dispensed under a Class B-ECF/DS license;

2. Prior to the issuance of this license, shall designate the exact campus locations for the outlets for the sale of alcoholic beverages under this license;

3. Shall maintain a map and description of the designated outlets for verification upon the renewal of this license;

4. Shall require the Department of Dining Services of the University of Maryland, College Park to report to the Board at least 5 days in advance of all University-related catered functions at which beer, wine, or liquor is intended to be sold or served; and

5. Shall process this license in the same manner as any other license issued by the Board.

(x) The hours and days of sale under this license are as provided under § 11-517 of this article.

(xi) The restriction on the distance between the location of a school and an alcoholic beverages licensed premises does not apply to a Class B-ECF/DS license.

(xii) The general prohibition on the number of alcoholic beverages licenses for the same person or premises does not apply to a Class B-ECF/DS license.

(13) (i) There is a Class B beer, wine and liquor stadium license.

(ii) The annual license fee is \$21,780.

(iii) This license entitles the holder to sell beer, wine and liquor by the drink and by the bottle, from one or more outlets, for consumption on the licensed premises only.

(iv) This is a 7-day license.

(v) This license may be exercised only at the Redskins Stadium in Landover.

(14) (i) There is a Class B-MB/22 license, which may be issued only to a holder of a Class 7 micro-brewery license in the 22nd legislative district.

(ii) The annual license fee is \$1,090.

(iii) A Class B-MB/22 license entitles the holder to sell liquor by the drink for consumption on the premises only.

(iv) Notwithstanding any other provision of law, the holder of a Class B-MB/22 license may also hold a Class D license.

(15) (i) There is a Class B-DD (Development District) 7-day beer, wine and liquor license.

(ii) Only on-sale consumption is permitted.

(iii) The annual license fee is \$3,025.

(iv) A Class B-DD license may be issued only for a restaurant within any single area designated in § 9-217(f)(7) of this article.

(v) Ownership of a Class B-DD license may be transferred from one license holder to another if the license is to be used at the same location but may not

be transferred for use at a different location.

(vi) 1. The Board of License Commissioners shall determine the number of Class B–DD licenses to be issued, the persons to whom Class B–DD licenses are to be issued, and the number of licenses each recipient may hold.

2. Notwithstanding subparagraph 1 of this subparagraph, the Board of License Commissioners may not issue a Class B–DD license to any restaurant located within a single area described in § 9–217(f)(7) of this article, if, at the time of issuance:

A. There are six restaurants operating with a Class B–DD license within that area; or

B. The applicant for that license is the license holder of three Class B–DD licenses.

(vii) 1. Notwithstanding any other provision of this article:

A. A license holder may hold a Class B–DD license in addition to any other license issued under this article; and

B. Subject to subparagraphs 2 and 3 of this subparagraph, for each Class B–DD license a person is issued, the person may obtain one other Class B license located anywhere in the County if all requirements for the Class B license are met.

2. Except as provided in subparagraph 3 of this subparagraph, the Class B license issued to a holder of a Class B–DD license for a restaurant in a development district under § 9–217(f)(7) of this article remains in effect only as long as the restaurant in the development district remains open for business as a restaurant.

3. If the restaurant in the development district is closed for not more than 6 months, the Class B license shall remain in effect.

(viii) A Class B–DD license may not be issued to a restaurant located within a chain store, supermarket, discount house, drug store, or convenience store.

(ix) 1. A restaurant in a single area described in § 9–217(f)(7) of this article is not eligible for a Class B–DD license unless:

A. It satisfies all of the requirements set forth in paragraph (1)(ii)3 of this subsection; and

B. Its average daily receipts from the sale of food and nonalcoholic beverages exceed its average daily receipts from the sale of alcoholic beverages.

2. The Board of License Commissioners may revoke a license in order to enforce the provisions of this subparagraph.

3. A license holder for a restaurant described in subparagraph 1 of this subparagraph shall submit a monthly report to the Board of License Commissioners of the restaurant's average daily receipts from the sale of food and nonalcoholic beverages and the restaurant's average daily receipts from the sale of alcoholic beverages to verify that the restaurant has met the requirements of subparagraph 1 of this subparagraph.

(16) (i) In this paragraph, "theme park" means an entertainment complex that includes roller coasters and other rides, shows, a water park, restaurants, and shops.

(ii) There is a Class B (TP) beer, wine and liquor theme park license.

(iii) The annual license fee is \$4,290.

(iv) The license privileges may be exercised only at a theme park in Mitchellville.

(v) The license entitles the holder to sell beer, wine, and liquor by the drink within the theme park, from one or more outlets, for consumption on the licensed premises only.

(vi) The license is a 7-day license.

(vii) To receive the license, the applicant shall file:

1. An application on a form that the Board of License Commissioners provides; and

2. The policies of the theme park for the sponsorship of special events held when the theme park is closed to the public and alcoholic beverages are sold.

(viii) The Board shall adopt regulations relating to the dispensing of alcoholic beverages and the days and hours of sale.

(17) (i) There is a Class B-CC (convention center) beer, wine and liquor license.

(ii) A Class B-CC license may be issued only to an establishment that is recognized as a hotel for the accommodation of the public that provides services ordinarily provided in hotels and that is equipped with:

1. At least 1,500 bedrooms;

2. At least three dining areas with facilities for preparing and serving regular meals;

3. Rooms for meetings, displays, banquets, balls, dancing, and live entertainment; and

4. A bar and entertainment or dancing area commonly recognized as a nightclub.

(iii) The annual license fee is \$22,000.

(iv) The total average daily receipts from the hire of meeting rooms, bedrooms, and the sale of food of a Class B–CC licensed establishment shall exceed the average daily receipts from the sale of alcoholic beverages.

(v) The hours during which alcoholic beverages may be served at a Class B–CC licensed establishment are from 6 a.m. until 3 a.m. the next morning, 7 days a week.

(vi) 1. Except as provided in subparagraph 2 of this subparagraph, alcoholic beverages may be sold from a locked, prestocked private bar in an individual guest room if the charges for the alcoholic beverages sold are indicated on the guest room bill.

2. The management of the establishment shall remove the bar key from any room that is rented to a guest under the age of 21 years.

(vii) Alcoholic beverages may be sold for consumption on the premises throughout the licensed establishment, both indoors and outdoors, including meeting and banquet rooms, patios, verandas, quays, and green spaces.

(viii) Dancing and live entertainment are authorized throughout the licensed establishment.

(ix) This paragraph does not preclude a holder of a Class B–CC license from having an interest in other alcoholic beverages licenses in the county.

(18) (i) There is a Class B–AE (arts and entertainment) beer, wine and liquor license.

(ii) A Class B–AE license may be issued only to an establishment in the Prince George’s County arts and entertainment district as approved by the County Council in Council Resolution CR–83–2001.

(iii) The license authorizes the holder to sell beer, wine, and liquor for consumption on the licensed premises only.

(iv) A person may not hold more than 2 Class B–AE licenses.

(v) The annual license fee is \$2,750.

(vi) The Board of License Commissioners shall adopt regulations to carry out this paragraph, including regulations specifying hours and days of sale.

(19) (i) A license holder that seeks to provide entertainment is not required to obtain a permit under this paragraph if:

1. The license is issued under paragraph (3), (9), (10), (11), (12), (13), (16), or (17) of this subsection or § 5–201(r)(4) of this article;

2. The Board of License Commissioners determines that the holder’s principal business is to provide family entertainment;

3. The license is a Class B (on–sale) license issued for a restaurant, and the license holder provides entertainment for adults and children that:

A. Is ancillary to the operation of the business; and

B. Is not the primary focus of marketing or promotion for the business; or

4. The license is a veterans or fraternal Class C license, and the license holder provides entertainment that:

A. Is under the direct supervision of the license holder;

B. Is for adults, children, and families of the organization or the public; and

C. When offered, ends not later than midnight.

(ii) There is a special entertainment permit that the Board may issue to a holder of any Class B (on–sale) license in accordance with this paragraph.

(iii) The Board shall determine the number of days in a week that a permit holder may exercise the privileges of the permit.

(iv) 1. Before approving an application for and issuing a permit under this paragraph, the Board shall hold a public hearing in accordance with the requirements for a public hearing on an application for a license under § 10–202(i) of this article.

2. At the public hearing, the Board shall give the applicant, supporters of the applicant, and opponents of the applicant an opportunity to be heard.

3. In making its determination whether to approve the application and issue the permit, the Board shall consider whether:

A. Approval and issuance of the permit is necessary for the accommodation of the public;

B. The applicant is a fit person to receive the permit;

C. The applicant has made any material false statement in the application;

D. The applicant has committed any fraudulent act in connection with the application;

E. The operation of the business, if the permit is issued, will unduly disturb the peace of the residents of the neighborhood where the place of business is located or to be located; and

F. There are any other reasons that justify the disapproval of the application or the refusal to issue the permit.

4. The Board shall hold a similar public hearing on receipt of a petition to:

A. Revoke an entertainment permit; or

B. Protest the renewal of an entertainment permit.

(v) 1. The permit authorizes the holder that complies with all requirements under county law, including zoning and use and occupancy laws and regulations, to impose a cover charge, offer facilities for patron dancing, and provide entertainment.

2. The permit is valid after 9 p.m. until 2 a.m. the following day.

(vi) Before being issued a permit, an applicant shall:

1. Submit evidence to the satisfaction of the Board that:

A. The applicant holds a Class B (on-sale) license;

B. There are no unpaid taxes due from the applicant to the State, the County, or a municipal corporation; and

C. The applicant meets all other entertainment permit requirements; and

2. A. Develop a security plan to prevent the premises for which the permit is sought from posing a threat to the peace and safety of the surrounding area; and

B. Submit the plan for review to the Board and the Chief of the Prince George's County Police Department.

(vii) 1. The Chief of the Prince George's County Police Department may submit comments to the Board on the adequacy of the security plan within 30 days after receipt of the plan.

2. The Board shall consider the comments, if any, of the Chief of Police and subsequently issue the permit, refuse to issue the permit, or condition the issuance of the permit on changes to the security plan.

3. If the Board issues the permit with a security plan that the Chief of the Prince George's County Police Department does not support, the Board shall specify in writing to the Chief the reasons why the Board has determined that the security plan is adequate.

4. Each permit holder shall follow the approved security plan at all times when the permit holder exercises the privileges of the permit.

(viii) A holder of the permit:

1. Shall implement the security plan; and

2. When the privileges authorized by the permit are being exercised, may not allow an individual who is under the age of 21 years on the premises for which the permit is issued, unless the individual is employed by or is an immediate family member of the holder.

(ix) The Board at any time may prohibit, condition, or restrict the type of entertainment offered by a holder of the permit, including lewd, exotic, loud, or raucous entertainment, if after a hearing the Board determines that the entertainment adversely impacts or unduly disturbs the community and is not conducive to the peace, health, welfare, or safety of the residents of the County.

(x) The annual fee for the permit is \$1,500, which is in addition to the annual fee for the Class B license.

(xi) A permit holder may employ sworn security personnel as part of the security plan if the sworn security personnel have full police powers in the jurisdiction where the premises of the permit holder is located.

(xii) 1. The circuit court may issue a temporary restraining order to immediately close to the public the entire operation of the premises if the County establishes that the security plan has not been implemented and that the public health, safety, or welfare requires emergency action.

2. On issuance of a temporary restraining order under subparagraph 1 of this subparagraph, the County shall give the permit holder

written notice of and reasons for the closure.

3. The permit holder promptly shall be given an opportunity for a hearing in circuit court on the granting of the temporary restraining order in accordance with Title 15, Chapter 500 of the Maryland Rules.

(xiii) Subject to subparagraph (xiv) of this paragraph, the Board may immediately suspend a permit if the Board reasonably believes that the permit holder:

1. Violated this paragraph; or
2. Is not in compliance with a county zoning property standard or use and occupancy requirement.

(xiv) If the Board immediately suspends a permit, the Board shall:

1. Give the permit holder notice of the suspension and a hearing on the suspension at which the permit holder may be heard and present evidence; and
2. Hold the hearing within 30 days after the suspension is imposed.

(xv) At the hearing, the Board shall determine:

1. Whether the permit holder violated this paragraph or other law; and
2. If a violation occurred, what penalty to impose among those listed in subparagraphs (xvi) and (xvii) of this paragraph.

(xvi) Subject to subparagraph (xvii) of this paragraph, if the Board finds that a person has violated this paragraph, the Board:

1. May revoke or continue the suspension of the permit; and
2. Shall impose on the person a penalty of:
 - A. For a first offense, at least \$1,000 but not more than \$12,500; and
 - B. For each subsequent offense, at least \$5,000.

(xvii) The Board:

1. Shall revoke the permit of a person who the Board determines violated this paragraph twice within a 24-month period; and
2. Until at least 12 months after the order of revocation

was issued, may not consider an application from the person for a new permit or an application for a new permit for the premises that was the subject of the revocation.

(xviii) If the Board determines that the permit holder did not violate this paragraph, the Board shall immediately reinstate the permit.

(xix) The Board of License Commissioners shall adopt regulations to carry out this paragraph.

(s) (1) This subsection applies only in Queen Anne's County.

(2) The annual license fee is \$1,000.

(3) This license provides for the consumption of wine and liquor on the premises only.

(4) (i) The Board of License Commissioners may issue a Class B beer, wine and liquor on-sale license for use in a conference center.

(ii) The annual fee is \$1,500.

(iii) To qualify for a license under this paragraph, the conference center shall have the following facilities to accommodate at least 100 persons:

1. A kitchen facility;
2. A dining facility; and
3. Overnight facilities.

(iv) The holder may sell beer, wine, and liquor for on-premises consumption to persons attending an event at the conference center.

(t) (1) This subsection applies only to hotel/restaurant and restaurant licenses in St. Mary's County.

(2) (i) There is a Class B beer, wine and liquor hotel/restaurant license.

(ii) The annual license fee is \$1,000.

(iii) This license may be issued to a bona fide hotel that:

1. Is an establishment for the accommodation of the public providing services ordinarily found in hotels; and

2. Is equipped with not fewer than 25 rooms, a lobby with a registration and mail desk and seating facilities, and a dining room that serves full-course meals at least twice daily.

(iv) A hotel/restaurant license does not permit sales of alcoholic beverages for consumption off the premises.

(3) (i) There is a Class B beer, wine and liquor restaurant license.

(ii) The annual license fee is \$650.

(u) (1) This subsection applies only in Somerset County.

(2) The annual license fee is \$1,265 for a restaurant or for a hotel.

(3) This license may be issued to any bona fide hotel or motel which:

(i) Is an establishment for the accommodation of the public providing services ordinarily found in hotels or motels;

(ii) Has a lobby with registration and mail desk and seating facilities;

(iii) In the case of a hotel or motel in existence and operated as such on June 1, 1967, maintains not fewer than ten rooms for occupancy by guests; and

(iv) In the case of a hotel or motel not in existence and operated as such on June 1, 1967, maintains not fewer than 20 rooms for occupancy by guests and is operated in facilities which are assessed for State and county taxation at not less than \$45,000.

(4) This license may be issued to a restaurant which meets the following requirements and conditions:

(i) Serves full-course meals at least twice daily;

(ii) Has a regular seating capacity at tables (not including seats at bars or counters) for 50 or more persons; and

(iii) Has had daily average receipts from the sale of food in excess of those for the sale of alcoholic beverages, during the 12-month period immediately preceding the application for the license.

(5) Every hotel or restaurant shall purchase all wines and liquor sold by them from the Somerset County Liquor Control Board and shall be charged the invoice price of it to the Liquor Control Board, plus freight charges on it and plus a sum not to exceed 20 percent of the aggregate invoice price and freight charges.

(6) This license provides for the consumption of wine and liquor on the premises only.

(v) (1) This subsection applies only in Talbot County.

(2) The annual license fee is \$1,000.

(3) (i) A license may be issued to bona fide hotels having 25 or more bedrooms located under one roof regularly serving meals or any restaurant seating at least 50 persons and which restaurant can show that at least 60 percent of the gross income is derived from the sale of food, notwithstanding the other requirements of this article, and otherwise complying with the provisions of this article.

(ii) Any sale of liquor as provided for may not exceed one quart and sales may not be made at bars or counters. This license for a restaurant does not cover “package sales” or any other form of “off-sale” alcoholic beverages.

(4) The hours and days for sale are from 7 a.m. to 1 a.m. the following day, Monday through Saturday.

(w) (1) This subsection applies only in Washington County.

(2) The annual license fee for a license with:

(i) On- and off-sale privileges is \$1,000; or

(ii) On-sale privileges, as provided for under § 8-222.1 of this article, is \$750.

(3) (i) There is a Class B-theater license.

(ii) The annual license fee is \$200.

(iii) The Board of License Commissioners may issue a Class B beer, wine and liquor on-sale license for use in a theater.

(iv) To qualify for a license under this paragraph the theater shall:

1. Be operated by a nonprofit organization;

2. Appear on the National Register of Historic Places;

3. Accommodate at least 1,400 persons; and

4. Be located on the south side of Hagerstown.

(v) The holder of a license issued under this paragraph is authorized to sell beer, wine, and liquor for on-premises consumption only to persons who are attending a performance or an event that is held at the theater.

(x) (1) This subsection applies only in Wicomico County.

(2) (i) This paragraph applies solely to hotel and restaurant licenses.

(ii) The annual license fee is:

1. For a restaurant – \$1,320; and
 2. For a hotel – \$1,980.
- (iii) 1. This license may be issued to a bona fide hotel which:
- A. Is an establishment for the accommodation of the public providing services ordinarily found in hotels; and
 - B. Is equipped with not fewer than 25 rooms, a lobby with registration and mail desk and seating facilities and a dining room which serves full-course meals at least twice daily.
2. A hotel license does not permit sales for consumption off the premises.
- (iv) 1. This license may be issued only to a restaurant that:
- A. Is a business establishment for the accommodation of the public;
 - B. Is fully equipped with a proper and adequate dining room with facilities for preparing and serving regular meals;
 - C. Has a regular seating capacity at tables (not including seats at bars or counters) for 40 or more persons seated comfortably and adequately and shall meet the minimum requirements of the fire code applicable to the jurisdiction where the restaurant is located; and
 - D. Has the average daily receipts from the sale of food for each month exceed the average daily receipts from the sale of alcoholic beverages. In calculating average daily receipts from the sale of food, an allocation of foodstuff contained in any mixed drink may not be included in average daily receipts from the sale of food.
2. The seating does not affect present Class B beer, wine and liquor licensees.
3. This license requires the sale of alcoholic beverages for consumption only on the inside of the restaurant premises. A person may not enter or egress the premises while in possession of any alcoholic beverages.
- (v) 1. Except for the purchase of beer and light wine, the holder shall purchase all of the alcoholic beverages that are sold for consumption on the premises from the county dispensary.
2. The county dispensary may not charge the holder more than 15 percent above the wholesale operation cost to the dispensary for each item that the

holder purchases.

(vi) 1. “Lounge area” means a room or area that includes:

- A. A bar where alcoholic beverages are served; and
- B. An entertainment facility in the same room or area as the bar, although entertainment need not be in progress.

2. The holder of this license may prohibit a person under the legal drinking age in the State from entering the lounge area on the licensed premises after 9:00 p.m., unless this person is accompanied by a parent or legal guardian who is of the legal drinking age in the State.

3. The holder of this license may charge an entertainment fee for each person who enters or who is present during the time live entertainment is in progress in the lounge area.

(3) (i) There is a Class B–Conference Center license.

(ii) The annual license fee is \$1,500.

(iii) The conference center shall have a minimum capacity of 500 persons and the following facilities:

- 1. Kitchen;
- 2. Dining; and
- 3. Meeting space.

(iv) Licensees may sell beer, wine and liquor for on–premises consumption to persons attending an event at the conference center.

(v) An existing Class B license may be amended to one for conference center use.

(4) (i) There is a Class B special wine (B–SWL) (off–sale) license.

(ii) A holder of a license under this paragraph may sell wine for consumption off the licensed premises.

(iii) 1. The Board of License Commissioners may issue a license under this paragraph only to a holder of a Class B beer, wine and liquor (7–day) (on–sale) license that is issued for a restaurant.

2. The term of a license under this paragraph that is issued to a successful applicant shall be the same as that of the Class B beer, wine and liquor license held by the applicant.

(iv) A holder of a license under this paragraph at a minimum shall offer for sale 5 days per week:

1. Breakfast and lunch;
2. Breakfast and dinner; or
3. Lunch and dinner.

(v) The meals shall be described in a printed menu.

(vi) The area used for the preparation and consumption of food and beverages shall occupy at least 80% of the total square foot area of the licensed premises.

(vii) An applicant for a license under this paragraph shall complete the form that the Board of License Commissioners provides.

(viii) Advertising, posting of notice, and public hearing requirements for a license under this paragraph are the same as those for other Class B licenses.

(ix) The annual license fee is \$1,500.

(x) Off-sale alcoholic beverages receipts shall be included in the calculation of average daily receipts from the sale of alcoholic beverages under paragraph (2)(iv)1D of this subsection.

(xi) Subject to subparagraph (xii) of this paragraph, the hours for sale for a license under this paragraph are:

1. 10 a.m. to midnight, Monday through Saturday; and
2. 12:30 p.m. to midnight on Sunday.

(xii) A license holder may exercise the privileges of a license under this paragraph only if the licensed premises is open for business as a restaurant.

(xiii) Wine sold under a license under this paragraph shall have a maximum alcohol content of 15.5%.

(xiv) The Board of License Commissioners may adopt regulations to carry out this subsection, including a limit on the number of licenses to be issued.

(y) (1) This subsection applies only in Worcester County.

(2) The annual license fees for the following types of licenses are:

- (i) Six-day licenses – \$1,750; and

(ii) Seven-day licenses – \$2,500.

(3) Hotels and restaurants are defined to be:

(i) For six-day license holders:

1. Bona fide hotels having at least 20 rooms and serving meals regularly; or
2. Restaurants having a seating capacity at tables of at least 70 people.

(ii) For seven-day license holders:

1. As required for six-day license holders, which are incorporated by reference; and

2. A. Establishments for the accommodation of the public which provide services found ordinarily in hotels, have a lobby with a registration and mail desk and seating facilities, and an enclosed dining area which serves full-course meals from menus at least twice daily; or

B. Establishments which have an enclosed dining area which serves full-course meals from menus at least twice daily and have daily receipts from the sale of food in excess of that from the sale of alcoholic beverages during the effective period of the license.

(iii) A license may not be issued unless the hotel or restaurant is operated in a clean and sanitary manner and is equipped with the proper restroom facilities.

(4) Seven-day license holders may sell beer, wine and liquor on-sale and off-sale.

(5) If the premises to be licensed by the provisions of this subsection are within a municipal corporation, the license application may be subject to approval by its mayor and town council and shall be approved by the licensing authority.

(6) All license fees shall go to the general funds of the county. However, if the licensed premises are in a municipal corporation, 75 percent of the fees shall go to that municipal corporation.

(7) (i) Except as provided in subparagraph (ii) of this paragraph, all licensees shall purchase all wines and liquors, except light wine and beer, from the Worcester County Department of Liquor Control. They shall be charged not more than 85 percent of the retail price or any special sale price or discount price, whichever is lower, set by the Department for wines and liquors. All licensees may purchase beer and light wine from licensed wholesalers.

(ii) Beginning on July 1, 2014, a licensee may elect to purchase wine and liquor from a licensed wholesaler under § 15–204(e) of this article.

(8) The hours for sale are as provided in § 11–524 of this article.

(9) (i) There is a Class EF (entertainment facility) beer, wine and liquor license.

(ii) A Class EF license authorizes the holder to sell beer, wine, and liquor by the drink and by the bottle from one or more outlets in the entertainment facility, for consumption anywhere throughout the entertainment facility.

(iii) A holder of a Class EF license may not sell alcoholic beverages for off–sale consumption.

(iv) Notwithstanding § 8–208(b) of this article, the Board of License Commissioners may issue a Class EF license only if the applicant has an initial capital investment in the facility for which the license is sought of at least \$45,000,000.

(v) The Board may issue one or more Class EF licenses for the same facility.

(vi) A Class EF license authorizes the sale and serving of beer, wine, and liquor anywhere throughout the entertainment facility during those days that the entertainment facility is open for business and from 9:00 a.m. through 4:00 a.m. the following day.

(vii) A Class EF license authorizes the playing of music and dancing.

(viii) The annual license fee is \$15,000.

§6–202.

(a) This section applies only in the City of Annapolis in Anne Arundel County.

(b) Notwithstanding any law to the contrary, the city may issue a beer, wine and liquor license which authorizes the holder to keep for sale and sell beer, wine, and liquor at any establishment within the city for consumption on the premises only.

§6–203.

(a) This section applies only in Worcester County.

(b) (1) A Class H beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and to sell beer, wine and liquor at retail at any hotel or restaurant, at the place described in the license, for consumption only on the premises.

(2) The annual fee shall be paid to the local collecting agent before any license is issued, for distribution as provided in this article.

(c) The annual license fee is:

(1) 6-day license \$1,700; or

(2) 7-day license \$2,400.

§6-301.

(a) (1) Except as provided in subsection (n) of this section, a Class C beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at any club, at the place described in the license, for consumption on the premises only.

(2) The annual fee for the license shall be paid to the local collecting agent before the license is issued, for distribution as provided.

(3) In this section, “board” means the board of commissioners for the jurisdiction to which the subsection applies.

(b) (1) (i) This subsection applies only in Allegany County.

(ii) The annual license fee for a Class C (general) beer, wine and liquor license is \$500.

(iii) Beverages may be sold for consumption on the premises or elsewhere.

(2) (i) There is a Class C (volunteer company) beer, wine and liquor license.

(ii) A volunteer company license may be issued to a volunteer fire company, a volunteer ambulance company, or a combined volunteer fire and ambulance company.

(iii) A holder of a volunteer company license may keep and sell all alcoholic beverages for consumption on or off the premises.

(iv) Patrons of a club for which a volunteer company license is issued are not limited to the members of the license holder and their guests.

(v) The annual license fee is \$500.

(c) (1) This subsection applies only in Anne Arundel County.

(2) The annual license fee is \$480.

(3) (i) There is a special Class C (veterans' organization) license.

(ii) The annual license fee is \$400.

(iii) The license shall be issued to any local unit of a nationwide bona fide nonprofit organization or club:

1. Which is composed solely of members who served in the armed forces of the United States in any war in which the United States has engaged;

2. Which has a charter from a national veterans' organization which was granted prior to the time of making application for the license;

3. Which has a bona fide membership of not less than 100 persons and dues of not less than \$5 per year per person; and

4. Which operates solely for its members and meets in a clubhouse principally used for no other purpose.

(iv) The license is subject to all other provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County.

(4) (i) There is a special Class C (fraternal/sororal) license.

(ii) The annual license fee is \$400.

(iii) The license shall be issued to any local unit of a lodge, political organization or chapter of any bona fide nonprofit and nationwide fraternal or service organization:

1. Which is composed solely of members duly elected and initiated in accordance with the rites and customs of the fraternal or service organization;

2. Which is in existence and operation in the county prior to the time when the organization made application for the license;

3. Which has a bona fide membership of not less than 100 persons and dues of not less than \$5 per year per person; and

4. Which owns and operates a home or clubhouse principally for the use of its members and their guests when accompanied by such members, and is not directly or indirectly owned or operated as a public business.

(iv) The licensee may keep for sale and sell at retail any alcoholic beverages to any member or guest when accompanied by a member. Consumption shall occur on the licensed premises only. The licensee is subject to all of the provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County.

(5) (i) There is a special Class C (yacht club) license.

(ii) The annual license fee is \$1,800.

(iii) Upon the approval of the Board, the license shall be issued to any yacht club in the county:

1. Which has 50 or more bona fide members who pay dues of not less than \$75 per year per member; and

2. Which maintains at the time of application for the license:

A. A clubhouse with a seating capacity sufficient to accommodate at one time at least 100 persons;

B. Slips, boat parking spaces, or berths for at least 50 boats;
and

C. At least 1 acre of ground.

(iv) The licensee may keep for sale and sell at retail any alcoholic beverages, to any member or guest when accompanied by a member at the place described in the license. Consumption shall occur on the licensed premises only. The licensee is subject to all of the provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County.

(v) The application for the license filed on behalf of any yacht club in the county shall be signed by at least one officer of the club, who shall be a resident, registered voter and taxpayer of Anne Arundel County.

(6) (i) There is a special Class C (golf and country club) license.

(ii) The annual license fee is \$1,800.

(iii) Upon approval by the Board, a license shall be issued to a golf and country club:

1. Which has 200 or more bona fide members paying dues of not less than \$75 per annum per member; and

2. Which maintains at the time of the application for the license two or more tennis courts, a swimming pool at least 30 feet by 80 feet in size, and a regular or championship golf course of nine holes or more.

(iv) The licensee may keep for sale and sell at retail any alcoholic beverages to any customer at the place described in the license for consumption on its premises.

(v) The application for any license filed on behalf of a golf and country

club shall be signed by at least one officer of the club, who is a resident, registered voter and taxpayer of the county.

(vi) The golf and country club license is subject to all the provisions of this article, except that any restrictions against the sale of alcoholic beverages on Sundays do not apply to any licensee holding the special Class C (golf and country club) license.

(7) (i) There is a special Class C (country club) license.

(ii) The annual license fee is \$750.

(iii) The license may be issued to a country club meeting the requirements set forth in paragraph (6)(iii) of this subsection other than the requirements for a regular or championship golf course of nine holes or more. Instead, the country club shall have, in addition to the other requirements, not less than 15 acres of ground for the licensed premises and used in connection therewith.

(iv) Special Class C (country club) licensees are subject to the restrictions in § 11-502 of this article as to sale of alcoholic beverages on Sunday.

(v) Licensees may not sell alcoholic beverages for consumption off their premises nor on its grounds.

(8) A country club which was not under construction by July 1, 1977 shall have two or more tennis courts and a swimming pool that is at least 30 feet by 80 feet in size.

(d) In Baltimore City the annual license fee is \$550.

(e) In Baltimore County the annual license fee is \$1,000.

(f) (1) This subsection applies only in Calvert County.

(2) Licenses may be issued for the following premises:

(i) 1. Bona fide yacht clubs, as approved by the Board of License Commissioners.

2. The annual license fee is \$500.

(ii) 1. Country clubs.

2. The annual license fee is \$1,000.

(iii) 1. Bona fide post homes of posts of the American Legion or Veterans of Foreign Wars.

2. The annual license fee is \$500.

3. The licenses in any post homes of posts of the American Legion and/or Veterans of Foreign Wars shall allow only for the sale of liquor by the drink and on the premises.

(3) (i) There is a Continuing Care Retirement Community license.

(ii) The license may be issued for a club that:

1. Is composed of residents of a continuing care retirement community that has obtained a certificate of registration from the State Department of Aging under Title 10, Subtitle 4 of the Human Services Article;

2. Has at least 50 bona fide members; and

3. Has annual dues that average at least \$5 per member.

(iii) A licensee may keep for sale and sell at retail beer, wine, and liquor to a member or a guest when accompanied by a member at the place described in the license.

(iv) The annual license fee is \$500.

(4) (i) There is an organizational license.

(ii) The license may be issued to a fraternal organization, volunteer fire department, or volunteer rescue squad for use on the premises that the organization, fire department, or rescue squad owns or regularly uses to hold functions.

(iii) A licensee may sell beer, wine, and liquor by the drink for consumption on the licensed premises only.

(iv) The annual license fee is \$500.

(g) (1) The provisions of this subsection apply only in Caroline County.

(2) The annual license fee is \$1,000.

(3) A license may be issued for the following premises:

(i) A bona fide nonprofit country club;

(ii) A nonprofit yacht club; or

(iii) A veterans organization composed solely of members.

(4) The club or organization shall:

(i) Operate solely for the use of its own members and their guests,

who shall accompany the members;

(ii) Meet in a clubhouse that is used for no other purpose and has 100 or more bona fide members paying whatever dues were required in the year immediately preceding the year for which the license is issued; and

(iii) For organizations composed exclusively of members who serve in the armed forces of the United States, which are affiliated with a national organization, have 50 or more bona fide members paying whatever dues were required by its national organization in the year immediately preceding the year for which the license is issued.

(h) (1) This subsection applies only in Carroll County.

(2) (i) 1. The annual license fee is \$1,200 for any club which is a local chapter of a nationally organized nonprofit fraternal or veterans' organization.

2. The annual license fee is \$1,500 for any other club.

(ii) The license may be issued to a club which is equipped with a dining room and which has a regular seating capacity at tables (not including seats at bars or counters) for 50 or more persons and which is operating in facilities that have an assessed real property valuation of not less than \$20,000.

(iii) This license for a club permits consumption on the premises only.

(i) (1) This subsection applies only in Cecil County.

(2) The annual license fee is \$600.

(3) Any incorporated club shall:

(i) Have been incorporated for a period of not less than 2 years prior to time of making application;

(ii) Have a bona fide membership of not less than 25 persons;

(iii) Have dues of not less than \$50 per year per member;

(iv) Maintain at the time sleeping accommodations on the club premises for 25 club members or guests; and

(v) Have facilities for preparing and serving food on the premises to the members and guests, but the club may not operate as a place of public business.

(4) Upon the approval of the application by the Board and upon payment of the required license fee, an applicant may obtain a license from the Board.

(j) (1) This subsection applies only in Charles County.

- (2) (i) The annual license fee is \$350.
 - (ii) In addition to the annual license fee, a license holder shall annually pay:
 - 1. \$200, if the license holder provides live entertainment; and
 - 2. \$200, if the license holder provides outdoor table service.
 - (3) A license may be issued to:
 - (i) A bona fide nonprofit organization; or
 - (ii) A club composed solely of members who served in the armed forces of the United States, in any war in which the United States has engaged.
 - (4) The organization or club shall:
 - (i) Operate solely for the use of its own members and their guests when accompanied by the members; and
 - (ii) Meet in a clubhouse that is used for no other purpose.
 - (5) This license permits on-premises consumption of alcoholic beverages in the clubhouse or on property that is directly contiguous to the clubhouse, is owned by the club or bona fide nonprofit organization, and is used exclusively by the members and their guests for social functions or business of the club or organization.
- (k) (1) This subsection applies only in Dorchester County.
- (2) The annual license fee is \$1,000.
 - (3) A license may be obtained by any bona fide yacht club and golf and country club that:
 - (i) Has been incorporated for a period of not less than 5 years prior to the time of making application for the license;
 - (ii) Has a bona fide membership of not less than 250 persons and dues of not less than \$10 per year per adult member;
 - (iii) Has facilities for preparing and serving food on the premises to members and their guests when accompanied by such members; and
 - (iv) Owns or operates a clubhouse located on premises principally used for no other purpose and not directly or indirectly owned or operated as a public business.
 - (4) A license may be obtained by any local unit of a nationwide bona fide

nonprofit organization or club composed solely of members who served in the armed forces of the United States in any war in which the United States has engaged and:

(i) Has held a charter from a national veterans' organization for a period of not less than 5 years prior to the time of making application for the license;

(ii) Has a bona fide membership of not less than 50 persons and dues of not less than \$5 per year per person;

(iii) Operates solely for the use of its own members and their guests when accompanied by such members; and

(iv) Meets in a clubhouse principally used for no other purpose.

(5) A license may be obtained by any lodge or chapter of any bona fide nonprofit and nationwide fraternal organization composed of members duly elected and initiated in accordance with the rites and customs of the fraternal organization which:

(i) Has been in existence and operating in Dorchester County for a period of not less than 5 years prior to the time of making application for the license;

(ii) Has a bona fide membership of not less than 125 persons and dues of not less than \$5 per annum per member;

(iii) Owns or operates a home or clubhouse principally for the use of its members and their guests when accompanied by such members; and

(iv) Is not directly or indirectly owned or operated as a public business.

(6) (i) A license may be obtained by Sailwinds of Cambridge, Inc., a nonprofit organization.

(ii) The license may be obtained and renewed so long as no individual or group of individuals derive any personal profits from the operation of Sailwinds of Cambridge, Inc.

(iii) When alcoholic beverages are served at an event open to the public at Sailwinds of Cambridge, Inc., the licensee:

1. May distribute at the event a wristband to each individual who is at least 21 years old; and

2. If wristbands are distributed at the event, may not serve an alcoholic beverage to an individual who is not wearing a wristband.

(7) Upon payment of the license fee, any organization specified by this subsection may obtain a license from the County Council.

(8) If the organization specified by this subsection is located within the corporate limits of any city or town, the County Council shall pay the license fee to the mayor and city council of that city or town. Otherwise, they shall pay the fee to the Finance Department of Dorchester County.

(1) (1) The provisions of this subsection apply only in Frederick County.

(2) The annual license fee is \$600.

(3) This license may be issued only to a club which has been in business or regularly operating for at least 3 years prior to applying for the license. This time limit does not apply to any nationally chartered and recognized bona fide fraternal, charitable or veterans' organization.

(4) A licensee may sell only off-premises consumption special anniversary or special event collectible bottles of wine or liquor 30 calendar days prior to the special anniversary or special event.

(5) (i) There is a special Class C (Weinberg Center) license for the Weinberg Center for the Arts. It shall be issued upon approval by the Board of Frederick County to the Weinberg Center for the Arts, which is a nonprofit organization, whereby no individual or group of individuals derive any personal profits from the operation of performing arts.

(ii) The annual license fee is \$325.

(iii) The license is a beer, wine and liquor license (Class C on-sale). The licensee may keep for sale and sell all alcoholic beverages at retail on the premises to any customer to be consumed in the central area known as the rotunda, or the lobby, commencing 1 hour prior to, during, and 1 hour after any performance, or for a special fund-raiser to be exclusively for the benefit of the performing arts center.

(iv) The performing arts center licensee shall abide by all regulations set forth and mandated for this type license.

(v) The application for the license filed on behalf of the Weinberg Center for the Arts shall be signed by the president and two other officers of the performing arts organization, two of whom shall be residents of Frederick County.

(6) (i) There is a special Class C (golf and country club) license.

(ii) The annual license fee is \$1,500.

(iii) The license may be issued to any golf and country club which maintains at the time of the application for the license and continues to maintain a regular or championship golf course of nine holes or more.

(iv) The license authorizes the licensee to keep for sale and to sell

at retail any alcoholic beverages to members and guests at the licensed premises for on-sale consumption only. A country club may not sell alcoholic beverages for consumption off the premises or off the grounds of the club.

(v) The application for the license filed on behalf of any golf and country club shall be signed by the president and two other officers of the golf and country club, two of whom shall be residents of Frederick County.

(vi) The golf and country club shall abide by § 11-511 of this article pertaining to Sunday opening at one o'clock p.m.

(7) (i) There is a special Class C (private business club) license.

(ii) The annual license fee is \$2,000.

(iii) The Board may issue an on-sale beer, wine and liquor license for use in a private business club:

1. That is organized for business and professional persons;
2. That is nonprofit;
3. That has been incorporated for at least 1 year prior to the application for licensure;
4. That has at least 75 members;
5. That prepares and serves meals during regular operating hours to members and their guests; and
6. That has made capital expenditures for tenant improvements, equipment, and furnishings used in the business club in an amount not less than \$100,000.

(iv) An application for the special 7-day Class C (private business club) on-sale beer, wine and liquor license shall be made by 3 officers of the private business club, of whom at least 2 shall be residents of Frederick County.

(v) The licensee may keep for sale and sell at retail alcoholic beverages to members and guests of the private business club for on-premises consumption only.

(vi) The hours of sale under a special 7-day Class C (private business club) on-sale beer, wine and liquor license are the same as for a Class C beer, wine and liquor license in Frederick County.

(8) (i) There is a special 7-day Class C (private country club) on-sale beer, wine and liquor license.

- (ii) The annual license fee is \$2,000.
- (iii) The license may be issued to a private country club that:
 - 1. Is organized for social purposes;
 - 2. Has been incorporated for at least 1 year prior to the application for licensure;
 - 3. Has at least 75 members;
 - 4. Prepares and serves meals during regular operating hours to members and their guests;
 - 5. Is located in the 14th election district or wherever else is permitted in the county; and
 - 6. Has made capital expenditures for structures, improvements, equipment, and furnishings used in the private country club in an amount not less than \$500,000.

(iv) An application for the special 7-day Class C (private country club) on-sale beer, wine and liquor license shall be made by 3 officers of the private country club, of whom at least 2 are residents of Frederick County.

(v) The licensee may keep for sale and sell at retail alcoholic beverages to members and guests of the private country club for on-premises consumption only in the structures and surrounding grounds.

(vi) The hours of sale under a special 7-day Class C (private country club) on-sale beer, wine and liquor license are the same as for a Class C beer, wine and liquor license in the county.

(9) (i) There is a special Class C (Maryland Ensemble Theatre) on-sale beer and wine license.

(ii) On approval by the Board of License Commissioners of Frederick County of the license application, the Board shall issue a license for the Maryland Ensemble Theatre.

(iii) The annual license fee is \$100.

(iv) The licensee may store for sale and sell beer and wine to the public.

(v) The beer and wine shall be consumed on the premises not earlier than 1 hour before and not later than 1 hour after:

- 1. A regular performance; or

2. A special fund-raiser performance exclusively for the benefit of the Maryland Ensemble Theatre.

(vi) The president and two other officers of Maryland Ensemble Theatre shall sign the application for the license filed on behalf of the Maryland Ensemble Theatre.

(vii) Two of the signatories from Maryland Ensemble Theatre shall be residents of Frederick County.

(10) (i) There is a special Class C (retirement center) on-sale beer, wine and liquor license.

(ii) The Board may issue the retirement center license by converting a special Class C (club) license held on behalf of a retirement center into the retirement center license.

(iii) The retirement center license authorizes the license holder to sell at retail beer, wine, and liquor to residents and guests at the licensed premises for on-premises consumption.

(iv) The license holder may sell for off-premises consumption only special anniversary or special event collectible bottles of wine or liquor not more than 30 calendar days before the special anniversary or event.

(v) 1. Subject to subsubparagraph 2 of this subparagraph, a civic group or any other organization that rents the premises from the license holder for an event may serve at the event alcoholic beverages that the license holder provides.

2. Not more than 25 events described in subsubparagraph 1 of this subparagraph at which alcoholic beverages are served may be held in 1 year.

3. The events may be open to the public.

(vi) The licensed premises may be expanded to include any building or facility at the retirement center campus, regardless of whether the building or facility exists when the license is issued.

(vii) The retirement center campus shall be limited to two areas and the service rooms connected to those two areas.

(viii) The annual fee for the license is \$1,500.

(m) (1) (i) This subsection applies only in Garrett County.

(ii) In this subsection, “guest” means an individual who is specifically invited by a member of a club or organization where the member of the club or organization is in attendance.

- (2) (i) There is a club and organization license.
- (ii) 1. The annual license fee is \$1,500.
2. The issuing fee for a new license is \$1,500, in addition to the annual fee.
- (iii) The license permits the sale on the premises only of beer, wine, and liquor to the members and the guests of the clubs and organizations.
- (iv) The license shall be issued only to the following clubs and organizations:
1. A bona fide nationally chartered nonprofit organization or club which has been incorporated for a period of not fewer than 5 years immediately prior to the filing of the application, composed solely of members who served in the armed forces of the United States in any war in which the United States has engaged, which organization or club operates solely for the use of its own members and its guests when accompanied by such members, and meets in a clubhouse principally used for a club, and is neither directly nor indirectly operated as a public business.
2. Any lodge or chapter of a bona fide nonprofit and nationally chartered fraternal organization composed of members duly elected and initiated in accordance with the rites and customs of the fraternal organizations which is operating a home or clubhouse for the use of its members, and is neither directly nor indirectly operated as a public business. The club or organization shall have 100 or more bona fide members paying such dues as required by its national organization in the year immediately preceding the year in which the license is issued. The home or clubhouse shall have facilities for preparing and serving food on the premises to the members and their guests.
3. A bona fide yacht or boat club, owning real estate in the county and having a dues-paying membership of not less than 150 persons, not less than 50 of whom own yachts, boats, or other vessels.
4. A country club which has 75 or more bona fide members paying dues of not less than \$40 per annum per member, which maintains at the time of the application for license a regular or championship golf course of 9 holes or more, or, in lieu of that golf course, a swimming pool at least 20 by 40 feet in size, and at least six tennis courts.
5. Before issuing any license pursuant to this paragraph, the Liquor Control Board shall determine whether the business to be operated by the prospective licensee is likely to enhance the recreational, business, and economic development of the county. If the Liquor Control Board in its discretion determines that the issuance of such a license will not enhance such development within the county, it shall reject the application for the license.

(n) (1) This subsection applies only in Harford County.

(2) The Liquor Control Board may issue 6-day (Monday through Saturday) and 7-day Class C-1, Class C-2, and Class C-3 (on-sale) organization or club beer, wine and liquor licenses in accordance with this section.

(3) A license issued under this subsection authorizes the holder of the license to sell or provide alcoholic beverages only for on-premises consumption by the members and guests of the club or organization.

(4) (i) In this paragraph, “war veterans organization” means a bona fide nationally chartered nonprofit organization or club that:

1. Has been incorporated for a period of not fewer than 5 years immediately before the filing of the application for a license under this paragraph;

2. Is composed solely of members who served in the armed forces of the United States in any war in which the United States was engaged;

3. Operates solely for the use of its own members and its guests when accompanied by such members;

4. Meets in a clubhouse principally used for a club; and

5. Is neither directly nor indirectly operated as a public business.

(ii) A Class C-1 license may be issued only to a war veterans organization.

(iii) For a club or organization that qualifies for a Class C-1 license under this paragraph and has a membership of 50 to 99 bona fide members, the annual fee for a 6-day, Monday through Saturday, (on-sale) Class C-1 license is \$350.

(iv) For a club or organization that qualifies for a Class C-1 license under this paragraph and has a membership of 50 to 99 bona fide members, the annual fee for a 7-day (on-sale) Class C-1 license is \$450.

(v) For a club or organization that qualifies for a Class C-1 license under this paragraph and has a membership of 100 to 250 bona fide members, the annual fee for a 6-day, Monday through Saturday, (on-sale) Class C-1 license is \$600.

(vi) For a club or organization that qualifies for a Class C-1 license under this paragraph and has a membership of 100 to 250 bona fide members, the annual fee for a 7-day (on-sale) Class C-1 license is \$700.

(vii) For a club or organization that qualifies for a Class C-1 license under this paragraph and has a membership of 251 to 450 bona fide members, the

annual fee for a 6–day, Monday through Saturday, (on–sale) Class C–1 license is \$850.

(viii) For a club or organization that qualifies for a Class C–1 license under this paragraph and has a membership of 251 to 450 bona fide members, the annual fee for a 7–day (on–sale) Class C–1 license is \$950.

(ix) For a club or organization that qualifies for a Class C–1 license under this paragraph and has a membership of 451 or more bona fide members, the annual fee for a 6–day, Monday through Saturday, (on–sale) Class C–1 license is \$1,000.

(x) For a club or organization that qualifies for a Class C–1 license under this paragraph and has a membership of 451 or more bona fide members, the annual fee for a 7–day (on–sale) Class C–1 license is \$1,100.

(5) (i) In this paragraph, “fraternal organization” means a lodge or chapter of a bona fide nationally chartered fraternal organization that:

1. Is composed of members duly elected and initiated in accordance with the rites and customs of the organization;
2. Operates a clubhouse or building:
 - A. For the use of its members; and
 - B. That has facilities for preparing and serving food on the premises for the members and their guests;
3. Is neither directly nor indirectly operated as a public business; and
4. Has at least 100 bona fide members, each of whom paid dues as required by the national organization in the year immediately preceding the year for which the license was applied or issued.

(ii) A Class C–2 license may be issued only to a fraternal organization.

(iii) For a club or organization that qualifies for a Class C–2 license under this paragraph and has a membership of 100 to 250 bona fide members, the annual fee for a 6–day, Monday through Saturday, (on–sale) Class C–2 license is \$800.

(iv) For a club or organization that qualifies for a Class C–2 license under this paragraph and has a membership of 100 to 250 bona fide members, the annual fee for a 7–day (on–sale) Class C–2 license is \$900.

(v) For a club or organization that qualifies for a Class C–2 license under this paragraph and has a membership of 251 to 450 bona fide members, the annual fee for a 6–day, Monday through Saturday, (on–sale) Class C–2 license is \$1,050.

(vi) For a club or organization that qualifies for a Class C–2 license under this paragraph and has a membership of 251 to 450 bona fide members, the annual fee for a 7–day (on–sale) Class C–2 license is \$1,150.

(vii) For a club or organization that qualifies for a Class C–2 license under this paragraph and has a membership of 451 or more bona fide members, the annual fee for a 6–day, Monday through Saturday, (on–sale) Class C–2 license is \$1,200.

(viii) For a club or organization that qualifies for a Class C–2 license under this paragraph and has a membership of 451 or more bona fide members, the annual fee for a 7–day (on–sale) Class C–2 license is \$1,300.

(6) (i) In this paragraph the following words have the meanings indicated.

1. “Miscellaneous organization or club” means a country club, a yacht or boat club, or topiary garden.

2. “Country club” means a club or organization that:

A. May be operated for profit or not for profit;

B. Has 75 or more bona fide members each of whom pays not less than \$50 per year; and

C. Maintains at the time of the application for the license and continues to maintain a regular or championship golf course of 9 holes or more, or, instead of the golf course, a swimming pool at least 20 by 40 feet in size.

3. “Topiary garden” means an organization that:

A. Operates a public museum and garden for its membership and the general public as guests of the membership;

B. Is open to the general public for at least 6 days a week for at least 6 hours a day during 5 months each year; and

C. Has food preparation facilities on the topiary garden premises for the convenience of visiting guests.

4. “Yacht or boat club” means a club or organization that:

A. May be operated for profit or not for profit;

B. Owns real property in Harford County; and

C. Has not less than 150 bona fide dues–paying members and not less than 50 of whom own a yacht, boat, or other vessel.

(ii) A Class C–3 license may be issued only to a miscellaneous organization or club.

(iii) 1. The fee for a 6–day, Monday through Saturday, (on–sale) Class C–3 license under this paragraph is \$1,300.

2. The fee for a 7–day Class C–3 license under this paragraph is \$1,400.

(o) (1) This subsection applies only in Howard County.

(2) (i) There is a country club license.

(ii) The annual license fee is \$1,500.

(iii) The license may be issued to a country club or to its owner or owners, regardless of whether the club is operated for profit or not. The club shall have a bona fide annual limited membership and shall have at the time of issuance of the license a regular or championship golf course adjacent to the premises for which a license is sought of 18 holes and other club facilities.

(3) (i) There is a veterans’ club license.

(ii) The annual license fee is \$250.

(iii) The license may be issued to a club composed exclusively of members who served in the armed forces of the United States, which is affiliated with a national organization, and having 75 or more bona fide members paying such dues as required by its national organization in the year immediately preceding the year for which the license is issued. At least 75 percent of the members of the club shall have resided in Howard County for at least 2 years immediately preceding the date of application for the license and the club shall have maintained a post in the county for at least 3 years preceding the date of the application.

(4) (i) There is a conference center license.

(ii) The annual license fee is \$700.

(iii) The license may be issued to a conference center or to its owner or owners, whether or not operated for profit, having not less than 7,000 square feet of conference area with accommodations, equipment, and facilities designed for holding meetings, seminars and conferences.

(5) (i) There is a police officers’ local affiliate license.

(ii) The annual license fee is \$500.

(iii) The license may be issued to a local affiliate of an international

organization of police officers.

(iv) To qualify for the license, a local affiliate shall:

1. Have at least 100 dues paying members; and
2. Charge each member at least \$15 a month in dues.

(v) The local affiliate shall operate the clubhouse where the license is to be in effect solely for its own members and their guests.

(6) (i) There is a Class C (Continuing Care Retirement Community) beer, wine and liquor license.

(ii) The license may be issued to a continuing care retirement community that:

1. Is composed of residents of a continuing care retirement community that has obtained a certificate of registration from the State Department of Aging under Title 10, Subtitle 4 of the Human Services Article;

2. Operates solely for the use of its residents and guests of the community; and

3. Is not directly or indirectly owned or operated as a public business.

(iii) A licensee may keep for sale and sell at retail to a resident or a guest of the community beer, wine, and liquor for consumption on the licensed premises.

(iv) The annual license fee is \$250.

(p) (1) This section applies only in Kent County.

(2) The annual license fee is \$500.

(3) (i) There is an organization or club license.

(ii) The license may be issued to a bona fide nonprofit organization or club composed solely of members:

1. That operates solely for the use of its own members and their guests when accompanied by such members;

2. That meets in a clubhouse that is used for no other purpose; and

3. That has 100 or more bona fide members paying such dues as were required in the year immediately preceding the year for which such license is

issued.

(iii) For clubs composed exclusively of members who served in the armed forces of the United States, which are affiliated with a national organization, a license may be issued provided the club has 50 or more bona fide members paying the dues required by its national organization for the full year immediately preceding the year for which the license is issued.

(iv) The license permits the consumption of alcoholic beverages both on and off of the premises.

(q) (1) This subsection applies only in Montgomery County.

(2) (i) There is a country club license.

(ii) The annual license fee is \$2,000.

(iii) The license shall be issued only to a country club:

1. Which has 100 or more bona fide members of whatever class;

2. Whose members pay an annual total amount of dues which averages at least \$50 for each member; and

3. Which maintains at the time of the application for the license a regular or championship golf course of nine holes or more. However, any licensed premises which had a Class C beer, wine and liquor license on January 1, 1964 is not required to maintain a regular or championship golf course if it then maintained and continues to maintain, in lieu thereof, a swimming pool at least 20 by 40 feet in size and at least six lawn tennis courts.

(iv) The licensee may keep for sale and sell any alcoholic beverages purchased from the Liquor Control Board for Montgomery County, at retail, to any customer at the place described in the license, for consumption on its premises only.

(v) The application shall be signed by at least one officer of the club who shall be a resident or registered voter or taxpayer of Montgomery County.

(3) (i) A licensee under paragraph (2) of this subsection may keep for sale and sell at the place described in the license any alcoholic beverages purchased from the Liquor Control Board, at retail, for consumption on its premises only, to any member of the country club, to a bona fide guest or guests of a member, to the immediate family of a member, or to persons residing temporarily in the clubhouse of the country club.

(ii) In this paragraph "bona fide guest or guests of a member" includes, but is not limited to, any person 21 years of age or over with respect to

the sale of all alcoholic beverages while the person is in attendance at a recognized national or regional athletic event being held on the premises of the licensee when:

1. The licensee has made application to the Board of License Commissioners for permission to sell alcoholic beverages to persons attending a national or regional athletic event to be held on the premises of the licensee;

2. The application has been made at least 60 days prior to the date that the specific athletic event is to take place; and

3. The Board has granted the permission requested in the application.

(iii) An employee of the country club may not have guests at the country club for the purpose of the consumption of alcoholic beverages during the employee's normal working hours.

(4) (i) Any corporation, club, or organization which is a country club as defined in this subsection or eleemosynary and is a local post, chapter, lodge, council, or branch of a national organization having a membership of more than 300,000 and which local post, chapter, lodge, council, or branch has a minimum dues-paying membership of more than 200 members may, upon receiving this license, allow alcoholic beverages to be consumed on its premises.

(ii) This license permits the consumption of alcoholic beverages by a bona fide member or his guest on the premises of the country club or eleemosynary corporation, club, or organization if the alcoholic beverages are supplied by a bona fide member.

(iii) The annual license fee is \$300.

(5) (i) There is a veterans' license.

(ii) The annual license fee is \$1,000.

(iii) The license may be issued to any local unit of a nationwide bona fide nonprofit organization composed solely of members who served in the armed forces of the United States that:

1. Has a charter from a national veterans' organization and is in existence and operating in Montgomery County prior to the time of making application for the license;

2. Has a bona fide membership of not less than 200 persons;

3. Has dues of not less than \$5 per person; and

4. Owns or operates, solely for the use of its own members and

their guests when accompanied by members, a clubhouse principally used for no other purpose, and not directly or indirectly owned or operated as a public business.

(iv) The licensee may keep for sale and sell at retail any alcoholic beverages to any member or guest when accompanied by a member and is subject to all other provisions of this article relating to beer, wine and liquor licenses, Class C, in force in Montgomery County, except the provisions requiring the maintenance of a championship golf course. This license solely authorizes the sale and consumption on premises only.

(6) (i) There is a fraternal/sororal/service license.

(ii) The annual license fee is \$1,000.

(iii) The license may be issued to any local unit of a lodge or chapter of any bona fide nonprofit and nationwide fraternal, sororal, or service organization that:

1. Is composed solely of members duly elected and initiated in accordance with the rites and customs of that fraternal, sororal, or service organization;

2. Is in existence and operating in Montgomery County prior to the time of making application for a license;

3. Has a bona fide membership of not less than 200 persons and dues of not less than \$5 per year per person; and

4. Owns and operates a clubhouse principally for the use of its members and their guests when accompanied by members and for no other purpose, and not directly or indirectly owned or operated as a public business.

(iv) A licensee may keep for sale and sell at retail any alcoholic beverages to any member or guest when accompanied by a member.

(v) The licensee is subject to all of the provisions of this article relating to beer, wine and liquor licenses, Class C, in force in Montgomery County, except the provisions requiring the maintenance of a championship golf course.

(vi) This license solely authorizes the sale and consumption on premises only.

(7) (i) There is a Takoma Park veterans' license, which may be referred to as a Class C-TP license.

(ii) The annual license fee is \$1,000. A Class C-TP licensee may not be charged for such a license until May 1, 1998.

(iii) The license may be issued to any local unit located in that portion of the City of Takoma Park that was formerly part of Prince George's County of a

nationwide bona fide nonprofit organization or club that:

1. Is composed solely of members who served in the armed forces of the United States in any war in which the United States has engaged;

2. Has a charter from a national veterans' organization prior to the time of making application for the license;

3. Has a bona fide membership of not less than 100 persons and dues of not less than \$5 per year per person;

4. Operates solely for the use of its own members and their guests when accompanied by such members;

5. Possessed a club license originally issued by the Prince George's County Board of License Commissioners when the club was located in that portion of the City of Takoma Park that was formerly part of Prince George's County; and

6. Meets in a clubhouse principally used for no other purpose.

(8) (i) There is a Continuing Care Retirement Community license.

(ii) The annual license fee is \$500.

(iii) The license may be issued to a club that:

1. Is composed of residents of a continuing care retirement community that has obtained a certificate of registration from the State Department of Aging under Title 10, Subtitle 4 of the Human Services Article;

2. Has at least 50 bona fide members; and

3. Has annual dues that average at least \$5 per member.

(iv) A licensee may keep for sale and sell at retail to a member or a guest when accompanied by a member at the place described in the license beer, wine and liquor, purchased from the Department of Liquor Control for Montgomery County, for consumption on the licensed premises only.

(r) (1) This subsection applies only in Prince George's County.

(2) (i) There is a veterans' license.

(ii) The annual license fee is \$910.

(iii) The license shall be issued to any local unit of a nationwide bona fide nonprofit organization or club that:

1. Is composed solely of members who served in the armed forces of the United States in any war in which the United States has engaged;

2. Has a charter from a national veterans' organization prior to the time of making application for the license;

3. Has a bona fide membership of not less than 100 persons and dues of not less than \$5 per year per person;

4. Operates solely for the use of its own members and their guests when accompanied by such members; and

5. Meets in a clubhouse principally used for no other purpose.

(iv) The licensee is subject to all other provisions of this article relating to beer, wine and liquor licenses, Class C, in force and effect in Prince George's County.

(3) (i) There is a fraternal/sororal/service license.

(ii) The annual license fee is \$910.

(iii) A license may be issued to any local unit of a lodge or chapter of any bona fide nonprofit and nationwide fraternal or service organization that:

1. Is composed solely of members duly elected and initiated in accordance with the rites and customs of the fraternal, sororal, or service organization;

2. Is in existence and operating in Prince George's County prior to the time of making application for the license;

3. Has a bona fide membership of not less than 100 persons and dues of not less than \$5 per year per person; and

4. Owns or operates a home or clubhouse principally for the use of its members and their guests when accompanied by the members, and not directly or indirectly owned or operated as a public business.

(iv) The licensee may keep for sale and sell at retail any alcoholic beverages to any member or guest when accompanied by a member for consumption on the licensed premises.

(v) The licensee is subject to all the provisions of this article relating to beer, wine and liquor licenses, Class C, in force and effect in Prince George's County, except that restrictions on the sale of alcoholic beverages on Sunday found in § 11-517 of this article and elsewhere do not apply.

(vi) The licensee may permit persons who have leased a private room

or other area of the licensed premises for a private social gathering to bring beer, wine, and liquor onto the licensed premises, provided that it is consumed on the premises.

(4) (i) There is a special Class C (yacht club) license in Prince George's County.

(ii) The annual license fee is \$1,575.

(iii) A license may be issued to a yacht club that:

1. Has 50 or more bona fide members paying dues of not less than \$75 per year per member;

2. Maintains at the time of application for the license a clubhouse with a seating capacity sufficient to accommodate at one time at least 100 persons;

3. Has slips or berths for 75 boats or more; and

4. Has at least 5 acres of ground.

(iv) The licensee may keep for sale and sell at retail any alcoholic beverages, to any member or guest when accompanied by a member at the place described in the license.

(v) Alcoholic beverages may be consumed on the licensed premises only.

(vi) The licensee is subject to all the provisions of this article relating to beer, wine and liquor licenses, Class C, in force and effect in Prince George's County. Restrictions on the sale of alcoholic beverages on Sunday found in § 11-517 of this article and elsewhere do not apply.

(vii) The application for license filed on behalf of any such yacht club shall be signed by at least one officer of the club, who shall be a resident, registered voter, and taxpayer of Prince George's County.

(5) (i) There is a special Class C (golf and country club) license.

(ii) The annual license fee is \$1,815.

(iii) The license may be issued to any golf and country club that:

1. Has:

A. 200 or more bona fide members paying dues of not less than \$75 per year per member; and

B. Maintains at the time of application for the license two or

more tennis courts, a swimming pool at least 30 by 80 feet in size, and a regular or championship golf course of 9 holes or more; or

2. Has:

A. 500 or more bona fide dues-paying members; and

B. Maintains at the time of the application for the license a regular or championship golf course of 18 holes or more.

(iv) The licensee may keep for sale and sell at retail any alcoholic beverages, to any customer at the place described in the license.

(v) The alcoholic beverages may be consumed on or off its premises.

(vi) The application for the license shall be signed by at least one officer of the club, who shall be a resident, registered voter, and taxpayer.

(vii) 1. The license is subject to all the provisions of this article.

2. Any restrictions against the sale of alcoholic beverages on Sundays, appearing elsewhere in this article, do not apply to any licensee holding the special Class C (golf and country club) license. Sales on Sunday under the license shall be made only to the bona fide members of the golf and country club and to guests of those members for consumption on the premises and the grounds of the club used in connection with the club.

(6) (i) There is a special Class C (country club) license.

(ii) The annual license fee is \$1,100.

(iii) The license may be issued to a country club meeting the requirements specified in paragraph (5) of this subsection other than the requirements for a regular or championship golf course of 9 holes or more. Instead, the club shall have, in addition to the other requirements, not less than 15 acres of ground for the licensed premises and used in connection therewith. Licensees are subject to restrictions appearing in § 11-517 of this article as to sale of alcoholic beverages on Sunday.

(iv) Alcoholic beverages may not be consumed off their premises or on the grounds of the club.

(7) (i) There is a special Class C (concession) beer, wine and liquor license.

(ii) The annual license fee is \$1,815. The fee shall be paid prior to its issuance, regardless of any terms or conditions in any contractual agreement between the concessionaire and Prince George's County.

(iii) The license may be issued to any person operating a concession subject to contractual agreement with Prince George's County on the premises of any golf and country club or country club owned by Prince George's County.

(iv) The concessionaire holding this license may keep for sale and sell at retail any alcoholic beverages by the drink or the bottle for consumption on the premises only.

(v) The concessionaire may be any natural person, association, firm, partnership, or corporation approved as such by the County Council and shall be a resident of the State of Maryland.

(vi) The Board shall regulate the manner of dispensing alcoholic beverages, and shall authorize the number of outlets permitted to dispense alcoholic beverages on the licensed premises.

(s) (1) This subsection applies only in Queen Anne's County.

(2) The annual license fee is \$500.

(3) The license shall be issued only to:

(i) A bona fide nonprofit organization or club composed solely of members who served in the armed forces of the United States in any war in which the United States has engaged and which organization or club operates solely for the use of its own members and their guests when accompanied by such members; and

(ii) A bona fide yacht club, golf club, fraternal club or order, country club, and/or social or recreational club, which is not operated for profit, and which has had for one year, immediately preceding the year for which the license is issued, 50 or more bona fide adult members paying dues of not less than \$20 per annum, owning or operating a clubhouse or meeting rooms having facilities for preparing and serving food on the premises which are principally used for members and their guests, when accompanied by members, and not directly or indirectly owned or operated as a public business.

(4) This license permits the consumption of alcoholic beverages both on and off the licensed premises.

(t) (1) This subsection applies only in St. Mary's County.

(2) The annual license fee is \$350.

(3) This license may be issued to a bona fide nonprofit organization or club:

(i) That is composed solely of members who have served in the armed forces of the United States in any war in which the United States has engaged;

(ii) That operates solely for the use of:

1. Its members; and

2. A member's guest, provided the guest is accompanied by the

member; and

(iii) If the club or organization meets in a clubhouse principally used for a club and is neither directly nor indirectly operated as a public business.

(u) (1) This subsection applies only in Somerset County.

(2) The annual license fee is \$316.

(3) There is a yacht or golf and country club license. The licensee shall:

(i) Have a bona fide membership of not less than 30 persons;

(ii) Charge dues of not less than \$20 annually for each adult member;

and

(iii) Own and operate a clubhouse on premises principally used for no other purpose and not directly or indirectly owned or operated as a public business.

(4) There is a fraternal or sororal license. The licensee shall:

(i) Be a lodge or chapter of a bona fide nonprofit and nationwide fraternal or sororal organization composed of members duly elected and initiated in accordance with the rites and customs of such fraternal or sororal organization;

(ii) Have been in existence and operating in the county for a period of not less than 1 year prior to the time of making application for the license;

(iii) Have a bona fide membership of not less than 25 persons;

(iv) Charge dues of not less than \$15 annually for each member; and

(v) Own or operate a home or clubhouse principally for the use of its members and their guests when accompanied by such members, and not directly or indirectly owned or operated as a public business.

(5) There is a veterans' license. The licensee shall:

(i) Be a local unit of a nationwide bona fide nonprofit organization or club composed solely of members who served in the armed forces of the United States in any war in which the United States has engaged;

(ii) Have held a charter from a national veterans' organization for a period of not less than 1 year prior to the time of application for licensing;

(iii) Have a bona fide membership of not less than 35 persons;

(iv) Charge dues of not less than \$4 annually for each member; and

(v) Own or operate a home or clubhouse which the organization or club operates solely for the use of its members and their guests when accompanied by such members and not directly or indirectly owned or operated as a public business.

(6) Each licensee shall purchase all wines and liquors sold by the licensee from the Somerset County Liquor Control Board. The licensee shall be charged the invoice price charged to the Liquor Control Board, plus freight charges and a sum not to exceed 20 percent of the aggregate invoice price and freight charges.

(v) (1) This subsection applies only in Talbot County.

(2) The annual license fee is \$250.

(3) A license shall be issued only to a club:

(i) Which is not operated for profit;

(ii) Which has had for 5 consecutive years, immediately preceding the year for which the license is issued, 50 or more bona fide members; and

(iii) Whose members pay dues of not less than \$10 annually.

(4) In the case of clubs composed exclusively of members who served in the armed forces of the United States, which are affiliated with a national organization, the license may be issued if the club had 50 or more bona fide members paying whatever dues that were required by its national organization in the year immediately preceding the year for which the license is issued.

(5) Section 18–101 of this article permits the Talbot County Council to provide for the retail alcoholic beverage laws for the county which, if enacted, supersede the provisions of this article.

(w) (1) This subsection applies only in Washington County.

(2) The annual license fee is:

(i) \$500 for clubs with less than 600 members (including social members); and

(ii) \$1,000 for clubs with 600 or more members (including social members).

(3) (i) There is a special Class C golf and country club license. Upon the approval by the Board of License Commissioners, it shall be issued to any golf and country club in the county which:

1. Has 200 or more bona fide members paying dues of not less than \$30 per annum per member, whether or not the club is operated for profit; and

2. Maintains a regular or championship golf course of 9 holes or more.

(ii) 1. The licensee may keep for sale and sell at retail any alcoholic beverages to bona fide members of the club and their guests at the place described in the license.

2. Alcoholic beverages may be consumed only on the premises and grounds of the club.

3. The annual license fee for a golf and country club license is \$1,000 for the license year commencing in May of each year.

4. The application for a license filed on behalf of any such golf and country club shall be signed by 3 officers of the club.

5. A golf and country club license shall be subject to all the provisions of this article and shall include all of the privileges and restrictions applicable thereunder to Class C license holders in Washington County.

(x) (1) This subsection applies only in Wicomico County.

(2) (i) The annual license fee for a 6-day license is as follows:

1. For a club with 50 to 399 bona fide, dues-paying members – \$275;

2. For a club with 400 to 599 such members – \$550; and

3. For a club with 600 or more members – \$825.

(ii) The license fee shall be established on the maximum number of dues-paying members during the calendar year immediately preceding the application for a license.

(iii) The annual license fee for a 7-day license is as follows:

1. For a club with 50 to 399 bona fide, dues-paying members – \$400;

2. For a club with 400 to 599 of those members – \$675; and

3. For a club with 600 or more members – \$950.

(3) (i) The license may be issued to a bona fide, nonprofit fraternal, social, or veterans' club which:

1. Has been incorporated for a period of not less than 5 years immediately prior to the filing of the application;

2. Is in a clubhouse or premises used principally for a club and neither directly nor indirectly operated as a public business;

3. Has had at least 100 bona fide, dues-paying members during the one year immediately prior to the filing of the application, except that if the club is composed solely of members who served in the armed forces of the United States, a minimum of 50 such members is sufficient; and

4. Has facilities for preparing and serving food on the premises to the members and their guests.

(ii) This license for a club permits consumption on the premises only.

(4) All alcoholic beverages, other than beer and light wine, sold or offered for sale shall be purchased from the Liquor Control Board, and each bottle shall be stamped or otherwise designated "on-sale only" by the Board.

(y) (1) This subsection applies only in Worcester County.

(2) (i) The annual license fee for a six-day license is \$500; and

(ii) The annual license fee for a seven-day license is \$750.

(3) (i) There is a golf, tennis, or swimming club license which is used in conjunction with a country club, excluding miniature golf courses operating in Worcester County.

(ii) The club shall:

1. Have been incorporated for a period of not less than one year prior to the time of making application for the license;

2. Have a bona fide membership of not less than 100 persons and dues of not less than \$10 per year per adult member;

3. Have facilities for preparing and serving food on the premises to members and their guests when accompanied by members; and

4. Own or operate a clubhouse on premises principally used for no other purpose and not directly or indirectly owned or operated as a public business.

(4) (i) There is a veterans' license.

(ii) The license may be issued to any local unit of a nationwide bona fide nonprofit organization or club composed solely of members who served in the armed forces of the United States in any war in which the United States has engaged which:

1. Has held a charter from a national veterans' organization for a period of not less than 5 years prior to the time of making application for the license;

2. Has a bona fide membership of not less than 15 persons and dues of not less than \$5 per year per person;

3. Operates solely for the use of its own members and their guests when accompanied by members; and

4. Meets in a clubhouse principally used for no other purpose.

(5) (i) There is a fraternal/sororal/service license.

(ii) The license may be issued to any lodge or chapter of any bona fide nonprofit and nationwide fraternal or service organization which:

1. Is composed of members duly elected and initiated in accordance with the rites and customs of the fraternal or service organization;

2. Is in existence and operating in Worcester County for a period of not less than 5 years prior to the time of making application for the license;

3. Has a bona fide membership of not less than 40 persons and dues of not less than \$5 per year per member; and

4. Owns or operates a home or clubhouse principally for the use of its members and their guests when accompanied by members, and not directly or indirectly owned or operated as a public business.

(6) (i) There is a fishing club license.

(ii) The license may be issued to any club that is organized to promote the sport of fishing and that:

1. Owns its own building;

2. Has been in existence for at least 5 years prior to making application for the license;

3. Has a bona fide membership of not less than 25 persons and dues of not less than \$25 per year per adult member;

4. Operates solely for the use of its own members and their guests, when accompanied by a member; and

5. Meets in a clubhouse used principally for no other purpose, and not directly or indirectly owned or operated as a public business.

(7) Upon payment of the license fee, any applicant enumerated in this subsection may obtain the license from the Board.

(8) (i) Except as provided in subparagraph (ii) of this paragraph, every licensee shall purchase all wines and liquors, except light wine and beer, sold by them from the dispensaries of the Worcester County Department of Liquor Control. The licensee shall receive at least a 15 percent discount from the retail sales price or any special sale price or discount price, whichever is lower. All licensees may purchase beer and light wine from licensed wholesalers.

(ii) Beginning on July 1, 2014, a licensee may elect to purchase wine and liquor from a licensed wholesaler under § 15–204(e) of this article.

(9) (i) For the purpose of qualifying for a seven–day license, clubs defined in this subsection shall:

1. Have an enclosed dining area that has a seating capacity for 60 or more persons; and

2. Serve full–course meals from menus at least twice daily.

(ii) The annual fee for a seven–day license is \$300.

(10) “Bottle club” means any club or organization:

(i) Which serves, sells, gives, or dispenses alcoholic beverages to its members or guests;

(ii) Which keeps for its members or guests any alcoholic beverages;

(iii) Which allows to be consumed on its premises any alcoholic beverages, by its members or guests, which beverages have been reserved by or purchased from the club by the members or guests;

(iv) At which patrons are served, given, or allowed to consume alcoholic beverages after legal closing hours from the supplies that the patrons have previously purchased or reserved; or

(v) That sells, dispenses, serves, keeps, or allows to be consumed any setups or other component parts of mixed alcoholic drinks to its members or guests.

(11) A person, partnership, corporation, or any other organization may not maintain or operate a “bottle club”. However, any club or organization which qualifies for and is granted a Class C license as provided in this subsection may operate also as a “bottle club” under this license.

(12) This subsection may not be construed to apply to any “bring your own bottle” social function at which alcoholic beverages are furnished only by the guests

or participants. If such a social function is held in a facility available to the public, the function shall be conducted during the hours of operation permitted for a Class C license establishment.

§6-401.

(a) (1) A Class D beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the place described in it, for consumption on the premises or elsewhere. A license may not be issued for any drugstore.

(2) The annual license fee shall be paid to the local collecting agent before any license is issued, for distribution as provided.

(3) In this section, "Board" means the Board of License Commissioners for the jurisdiction to which the subsection applies.

(b) In Allegany County the annual license fee is \$700.

(c) (1) This subsection applies only in Anne Arundel County.

(2) There are two type Class D beer, wine and liquor licenses:

(i) A limited Class D license which allows for on premises consumption only.

(ii) A Class D license which allows for consumption on premises or elsewhere.

(3) (i) The annual license fee for a limited Class D license is \$1,080.

(ii) The annual license fee for a Class D on- and off-sale license is \$1,200.

(4) The Board, upon the filing of an application for any new Class D beer, wine and liquor license, may limit the sale of alcoholic beverages to consumption only on the premises.

(d) (1) Subject to § 11-503(b)(2) of this article, in Baltimore City the annual license fee is \$825.

(2) In Baltimore City, the hours and days for sale for the license are as provided under § 11-503 of this article.

(e) (1) This subsection applies only in Baltimore County.

(2) The annual license fee is \$1,500.

(3) The area of the licensed premises normally used for the preparation and consumption of alcoholic beverages on the premises may occupy no less than 80 percent of the square foot area. These occupancy requirements do not apply to or affect any present licensee having this license prior to December 31, 1966.

(f) (1) This subsection applies only in Calvert County.

(2) This license may be issued in the entire county.

(3) The annual license fee is:

(i) \$1,250, if the place of business remains open until midnight; or

(ii) \$2,250, if the place of business remains open until 2 a.m.

(g) (1) This subsection applies only in Caroline County.

(2) The annual license fee is \$1,250 for a 6-day license.

(3) The annual license fee is \$1,600 for a 7-day license.

(4) All alcoholic beverages sold under this license must be consumed on the premises.

(5) A licensee may sell beer, wine and liquor for consumption on the premises only.

(h) This section does not apply in Carroll County.

(i) (1) This subsection applies only in Cecil County.

(2) The annual license fee is \$750.

(j) (1) This subsection applies only in Charles County.

(2) The annual license fee:

(i) For on- and off-sale of all alcoholic beverages is \$1,320; and

(ii) For off-sale for liquor and on- or off-sale for beer and wine is \$1,020.

(3) In addition to the annual license fee, a license holder shall annually pay:

(i) \$200, if the license holder provides live entertainment; and

(ii) \$200, if the license holder provides outdoor table service.

- (k) (1) This subsection applies only in Dorchester County.
- (2) The Board of License Commissioners may issue a Class D (on-sale) beer, wine and liquor license.
- (3) The annual license fee is \$1,500.
- (4) A license issued under this subsection is a 7-day license.
- (5) Alcoholic beverages sold under this subsection may be consumed only on the licensed premises.
- (6) An individual who is under the age of 21 years may not be on the licensed premises.
- (7) In accordance with § 9-201 of this article, only the Board of License Commissioners may decide the number of Class D licenses to be issued.
- (8) The Board of License Commissioners shall:
 - (i) Determine whether the premises for which a Class D license is issued meets the requirements of § 9-210 of this article; and
 - (ii) Adopt regulations to carry out this subsection.
- (l) This section does not apply in Frederick County.
- (m) (1) This subsection applies only in Garrett County.
- (2) (i) There are two types of Class D licenses, neither of which may be issued to any grocery store having a primary business of selling food at retail to the general public for off-premises consumption.
 - (ii) 1. A Class D (on-sale) license for beer, wine and liquor sales shall be issued to establishments whose total beer, wine and liquor sales constitute at least 75 percent on-premises consumption and up to 25 percent off-premises consumption.
 - 2. The Board of License Commissioners may issue a Class D beer, wine and liquor license without or with a catering option.
 - 3. A holder of a Class D beer, wine and liquor license without a catering option may sell beer, wine and liquor for consumption on the licensed premises or elsewhere.
 - 4. In addition to exercising the privileges stated in subparagraph 3 of this subparagraph, a holder of a Class D beer, wine and liquor license with a catering option may keep for sale and sell beer, wine, and liquor for consumption at events that the holder caters off the licensed premises.

5. To exercise the catering option, a holder of a Class D beer, wine and liquor license:

A. Shall provide food if the holder provides alcoholic beverages at a catered event off the licensed premises; and

B. May exercise the catering option only during the hours and days that are allowed by the Board of License Commissioners.

6. For a license without a catering option:

A. The issuing fee for a new license is \$1,500; and

B. The annual fee is \$1,500.

7. For a license with a catering option:

A. The issuing fee for a new license is \$2,000; and

B. The annual fee is \$2,000.

(iii) 1. A Class D (off-sale) license for beer, wine and liquor sales shall be issued to establishments whose total beer, wine and liquor sales constitute at least 75 percent off-premises consumption and up to 25 percent on-premises consumption.

2. A. The annual license fee is \$3,000.

B. The issuing fee for a new license is \$3,000, in addition to the annual fee.

(3) (i) Until July 1, 1995, a holder of an existing Class D alcoholic beverages license prior to July 1, 1987 may apply for a license under paragraph (2) of this subsection using the procedure that the Board establishes.

(ii) If the applicant is granted a license under paragraph (2) of this subsection, the applicant may be exempt from paying the issuing fee as provided under § 9-212(c) of this article. However, the applicant shall pay:

1. The annual license fee for that license; or

2. A. An amount not less than the fee and the surcharge percent amount paid to the Board through December 31, 1986 under the former license, provided the total amount to be paid is not less than \$1,250; or

B. If the applicant's former license was granted after January 1, 1986, an annualized amount based on what was paid to the Board through December 31, 1986 under the applicant's former license provided the total amount is not less than \$1,250.

(4) The Board may grant a license holder a privilege at no charge to sell beer, wine, or liquor for consumption off the licensed premises at a catered event if:

(i) The beer, wine, or liquor is bottled in commemorative or special event bottles and sold at a special event;

(ii) The Board approves the commemorative or special event bottles before the event occurs; and

(iii) The beer, wine, or liquor will be sold at the event only on the days and hours allowed by the Board.

(n) (1) This subsection applies only in Harford County.

(2) Subject to the provisions of this subsection, the Liquor Control Board may issue only to the current holder of any Class B license:

(i) A 7-day (on-sale) Class D license for all alcoholic beverages, with an annual license fee of \$3,000; or

(ii) A 7-day (on- and off-sale) Class D license for all alcoholic beverages, with an annual license fee of \$4,000.

(3) The holder of a Class B license may apply for a Class D license authorized by this subsection.

(4) The Liquor Control Board has sole authority, in accordance with §§ 9-201 and 10-203 of this article, to decide the number of Class D licenses authorized by this subsection to be issued.

(5) Upon the issuance of a Class D license by the Liquor Control Board, the licensee to whom the Class D license is issued shall surrender to the Board the Class B license it held.

(6) The Liquor Control Board shall ensure that any Class D license issued under the authority of this subsection meets the requirements of § 9-213 of this article.

(7) In accordance with § 16-301(a) of this article, the Liquor Control Board shall adopt regulations to carry out this subsection.

(o) (1) This subsection applies only in Howard County.

(2) The Board may issue the following types of licenses:

(i) 1. A 7-day (on-sale) Class D beer, wine and liquor license for on-premises consumption only;

2. The annual license fee is \$1,000;

(ii) 1. A 6-day (on-sale) Class D beer, wine and liquor license for on-premises consumption only;

2. The annual license fee is \$600;

(iii) 1. A 7-day (on- and off-sale) Class D beer, wine and liquor license for on- and off-premises consumption;

2. The annual license fee is \$1,000; or

(iv) 1. A 6-day (on- and off-sale) Class D beer, wine and liquor license for on- and off-premises consumption;

2. The annual license fee is \$800.

(p) (1) This subsection applies only in Kent County.

(2) The Board may issue a Class D beer, wine and liquor license.

(3) The annual license fee is \$1,500.

(4) On Sunday, a licensee may sell only beer and light wine for off-premises consumption.

(5) A person under the age of 21 years is not permitted in a tavern or on the licensed premises of an establishment which has a license issued pursuant to this section.

(6) (i) A person under 21 years of age may not knowingly make any misrepresentation or false statement as to the person's age in order to gain entrance to an establishment licensed under this subsection.

(ii) A police officer or alcoholic beverages inspector shall issue a citation under § 10-119 of the Criminal Law Article to a person who violates the provisions of this paragraph.

(iii) Penalties for offenses of this paragraph are as set forth in § 10-119 of the Criminal Law Article.

(q) (1) This subsection applies only in Montgomery County.

(2) A Class D beer, wine and liquor (on-sale) license may be issued for on-premises consumption.

(3) (i) As a prerequisite for the initial issuance of a license under this subsection, the owner shall attest in a sworn statement that gross receipts from food sales will be at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages:

1. From 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday; and

2. From 10 a.m. to 9 p.m. on Sunday.

(ii) As a prerequisite for each renewal of a license issued under this subsection, the owner shall attest in a sworn statement that the gross receipts from food sales for the 12-month period immediately preceding the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages:

1. From 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday; and

2. From 10 a.m. to 9 p.m. on Sunday.

(iii) The Board by regulation shall provide for periodic inspection of the premises and for audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.

(iv) Regulations adopted by the Board shall include a requirement of:

1. At least monthly physical inspections of the premises during the initial license year of any licensee; and

2. The submission by the licensee to the Board, during the initial license year, of monthly statements showing gross receipts from the sale of food and gross receipts from the sale of alcoholic beverages for the immediately preceding month.

(v) 1. If a licensee during the initial license year fails to maintain the sales ratio requirement provided in this paragraph for 3 consecutive months or after the initial license year for each license or calendar year, the Board may revoke the license.

2. The Board may require a licensee to provide supporting data as the Board considers necessary to establish that the requirements of this section relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages have been met.

(4) The annual license fee is \$3,000.

(r) This section does not apply in Prince George's County.

(s) (1) This subsection applies only in Queen Anne's County.

(2) A Class D beer, wine and liquor (on- and limited off-sale) license may be issued for on-premises consumption and the off-sale of beer only.

- (3) The annual license fee is \$1,800.
- (t) (1) This subsection applies only in St. Mary's County.
 - (2) The annual license fee:
 - (i) For a Class D beer, wine and liquor license is \$250; and
 - (ii) For a special Class D beer, wine and liquor license that entitles the holder to sell on Sunday is \$650.
- (u) (1) In Somerset County the annual license fee is \$1,265.
 - (2) Spirituous liquors may be sold for on-sale consumption only, but beer and wine may be sold for both on- and off-sale consumption.
- (v) (1) This section does not apply in Talbot County.
 - (2) Section 18-101 of this article permits the Talbot County Council to provide for the retail alcoholic beverages laws for the county which, if enacted, supersede the provisions of this article.
- (w) In Washington County the annual license fee is \$750.
- (x) (1) This subsection applies only in Wicomico County.
 - (2) (i) There is a Class D beer, wine and liquor tavern license.
 - (ii) The annual license fee is \$2,200.
 - (iii) Any license issued under this paragraph is for 7 days.
 - (iv) In order to qualify for a license under this paragraph, the premises that is the subject of the application shall:
 - 1. Have a minimum seating capacity of 140 persons, not including the bar area or dancing floor area; and
 - 2. Meet the minimum requirements of the fire code applicable to the jurisdiction in which the premises is located.
- (v) Alcoholic beverages sold under this paragraph shall be consumed on the premises only.
- (vi) A person may not be on the premises if the person is under the legal drinking age for the consumption of alcohol in the State.
- (vii) All alcoholic beverages other than beer and light wine shall be purchased from the Liquor Control Board for Wicomico County and shall be charged

not more than 15% above the wholesale cost to the dispensary.

(3) (i) There is a Class D beer, wine and liquor entertainment and amusement license.

(ii) The annual license fee is \$4,000.

(iii) A license issued under this paragraph is a 7-day license for consumption on the premises only.

(iv) To qualify for a license, the premises that is the subject of the application shall be an entertainment amusement center that:

1. Is a business establishment that accommodates the public;

2. Has a minimum seating capacity of 140 persons, not including the bar area or dancing floor area;

3. Meets the minimum requirements of the fire code applicable for the jurisdiction in which the premises is located;

4. Is fully equipped with a proper and adequate dining room with facilities for preparing and serving regular meals;

5. Excluding the kitchen, has more than 50% of its floor space dedicated to or occupied by equipment for foosball, billiards, darts, virtual reality simulation games, and other games that the Board approves that require the active physical participation of one or more players; and

6. Has an initial capital investment of at least \$300,000, excluding the cost of the land and building.

(v) 1. For purposes of subparagraph (iv)5 of this paragraph, games approved by the Board may not include keno, card games, pinball machines, and bar games.

2. Any floor space occupied by a jukebox or similar passive entertainment device may not be counted in calculating whether the floor space requirements under subparagraph (iv)5 of this paragraph have been met.

(vi) Except for beer and light wine, the license holder shall purchase all of the alcoholic beverages that are sold for consumption on the premises from a county dispensary and may not be charged more than 15% above the wholesale cost to the dispensary.

(vii) An individual who is:

1. Under the age of 21 years may not enter or remain on the

licensed premises after 9 p.m.; and

2. Under the age of 17 years may not enter the licensed premises without a parent or guardian.

(viii) The Board may adopt regulations to carry out this paragraph.

(y) (1) This subsection applies only in Worcester County.

(2) (i) A Class D beer, wine and liquor license may be issued only within:

1. The corporate limits of Ocean City;

2. The boundary lines of the 10th taxing district;

3. The area bounded by U.S. Route 50 to the south, Turville Creek and Herring Creek to the east, St. Martin River to the north, and Maryland Route 589 to the west;

4. The area bounded by Maryland Route 589 to the north and east, U.S. Route 50 to the south, and U.S. Route 113 to the west;

5. From the intersection of Maryland Route 589 and U.S. Route 50, an area bounded by a line that extends 1,500 feet south of U.S. Route 50, east to the boundary of the 10th taxing district, north along the 10th taxing district boundary to U.S. Route 50, and west to the intersection of Maryland Route 589 and U.S. Route 50;

6. The corporate limits of the Town of Berlin; or

7. The corporate limits of the Town of Snow Hill.

(ii) The annual license fee for the six-day license set by the Worcester County Commissioners may not be less than \$3,000.

(iii) The annual license fee for the seven-day license set by the Worcester County Commissioners may not be less than \$3,500.

(iv) Seven-day license holders may sell beer, wine and liquor on-sale and off-sale.

(v) All license fees shall go to the general funds of the county. However, if the licensed premises are in a municipal corporation, 75 percent of the fees shall go to that municipal corporation.

(vi) 1. Except as provided in subsubparagraph 2 of this subparagraph, all licensees shall purchase all wines and liquors, except light wine and beer, from the Worcester County Department of Liquor Control. They shall be charged not more than 85 percent of the retail price or any special sale price or discount price,

whichever is lower, set by the Department for wines and liquors. All licensees may purchase beer and light wine from licensed wholesalers.

2. Beginning on July 1, 2014, a licensee may elect to purchase wine and liquor from a licensed wholesaler under § 15–204(e) of this article.

(vii) The hours for sale are as provided in § 11–524 of this article.

(viii) With respect to the Ocean City Convention Hall, only the Convention Hall Commission and its successors may be issued an alcoholic beverages license. The Commission may permit its vendors to dispense alcoholic beverages pursuant to whatever license the Commission is granted. Further, the Commission may contract to receive some proportion of the revenue derived from the vendor’s sale of alcoholic beverages. This license shall be subject to the following restrictions:

1. This monopoly may not impinge upon the provisions of § 7–101(u)(5) of this article;

2. Only on–sale transactions shall be permitted; and

3. Consumption of alcoholic beverages shall be restricted to the premises.

(3) (i) 1. A. The Board may issue a special 7–day Class D beer, wine and liquor on–sale retail license to the Mayor of Ocean City for use on the premises of the Ocean City municipal golf courses.

B. A separate license is required for each Ocean City municipal golf course.

2. Prior to the issuance of any license under this paragraph, the Mayor shall designate an individual to complete training in an alcohol awareness program approved under § 13–101 of this article.

3. The individual designated by the Mayor shall:

A. Represent the concessionaire; and

B. Be directly involved with the management of the sale of beer, wine, and liquor by the concessionaire.

(ii) The holder may contract with and permit a concessionaire to keep for sale and sell beer, wine, and liquor for on premises consumption only.

(iii) The hours and days of sale under the license are the same as a Class D beer, wine and liquor on–sale license under § 11–524 of this article or during lesser hours specified by the holder.

(iv) A license shall be issued and renewed without charge or an annual fee and may not be transferred.

§6-501.

(a) There is a Class E beer, wine and liquor license.

(b) The annual license fee is \$150, which shall be paid to the Office of the Comptroller before the license is issued.

(c) The license shall be issued by the Office of the Comptroller, subject to the conditions and restrictions set forth in this section.

(d) The license authorizes the owner or operator of any water vessel, ferry boat or other vessel, used for the transportation for hire of passengers, from ports in Maryland to other ports in Maryland or to coastal ports in other states or foreign ports, or boats licensed to operate tours within Maryland waterways to sell all alcoholic beverages for consumption thereon.

(e) One license shall be issued for each water vessel, ferry boat, or other vessel on which such beverages are sold and shall be good throughout this State.

(f) The holder of any license may not make any sale pursuant to the license while the licensed vessel is made fast to any wharf or pier in any county where such sales are prohibited by local law.

§6-502.

(a) There is a Class F beer, wine and liquor license.

(b) The annual license fee is \$200, which shall be paid to the Office of the Comptroller before the license is issued.

(c) The license shall be issued by the Office of the Comptroller and authorizes the owner or operator of any steam, diesel, or electric railway or club, parlor, buffet, observation, sleeping or dining cars upon the lines of any steam, diesel, or electric railway in this State, to keep for sale and to sell all alcoholic beverages upon any of such cars for consumption upon such cars, and every such license shall be good throughout the State.

§6-503.

(a) There is a Class G beer, wine and liquor license.

(b) The annual license fee is \$200, which shall be paid to the Office of the Comptroller before the license is issued.

(c) The license shall be issued by the Office of the Comptroller and authorizes

the owner or operator of any airplanes or aircraft operated upon regularly scheduled flights over any part of this State to keep for sale and to sell all alcoholic beverages upon any of such airplanes or aircraft for consumption thereon and every such license shall be good throughout the State.

§6-601.

(a) This subsection applies to any conference center facility:

(1) Jointly owned, operated, or financed by the Maryland Stadium Authority and a political subdivision or an instrumentality of that political subdivision that is physically connected to an adjacent hotel; and

(2) That provides food and beverage service to registered guests at that hotel.

(b) There is a special Class B license, known as Class B-BWL (H-C), that shall be available for issuance to a management company of the facility described in subsection (a) of this section by the board of license commissioners in the jurisdiction in which the facility is located. The license may authorize only on-sale privileges at the facility and the adjacent hotel, including service to registered guests in their rooms.

(c) The annual license fee is \$2,500.

(d) The provisions of §§ 9-102 and 10-103(b)(12) and (15) of this article do not apply to this license.

(e) In any jurisdiction that has a food-to-alcoholic beverage ratio requirement for a Class B (on-site) hotel and restaurant license, the laws and regulations pertaining to the ratio requirement in that jurisdiction apply to this license.

§6-701.

(a) This section applies throughout the State.

(b) The State Comptroller may issue a statewide caterer's (SCAT) license to a person who:

(1) Is engaged in the business of catering;

(2) Meets all State and local requirements, and holds all requisite licenses relating to the catering business conducted;

(3) Holds any catering license that may be required under this article in the local political subdivision in which the person's principal office is located;

(4) (i) Holds an existing permanent retail alcoholic beverages license, other than a Class C license; or

(ii) Does not hold an alcoholic beverages license but who has a permanent office and storage facility for alcoholic beverages in the State; and

(5) Meets all other requirements under this section.

(c) The holder of a SCAT license may acquire alcoholic beverages:

(1) If the holder operates under a permanent retail alcoholic beverages license, through a licensed wholesaler; or

(2) Except as provided in § 15-204 of this article, through a licensed retail dealer located in the State that has off-sale privileges.

(d) (1) The SCAT license may be issued as a general or limited license.

(2) A general SCAT license shall authorize the holder to operate in any political subdivision of the State provided that the holder complies with all other provisions of this subtitle.

(3) A limited SCAT license shall authorize the holder to operate in not more than three contiguous designated political subdivisions of the State provided that:

(i) The holder complies with all other provisions of this subtitle; and

(ii) The total population of the designated political subdivisions does not exceed 1,000,000, based upon the most recent applicable population records of the Department of Health and Mental Hygiene.

(4) Except as provided in paragraph (3) of this subsection, all privileges conferred under a SCAT license shall be applicable to a general or limited SCAT license.

(e) (1) The annual fees for a SCAT license are:

(i) For a general SCAT license, \$2,000;

(ii) For a limited SCAT license, the fee shall be based upon the most recent applicable population records of the designated political subdivisions, as compiled by the Department of Health and Mental Hygiene, as follows:

1. A population of not more than 300,000..... \$750;
2. A population of more than 300,000, but less than 600,000..... \$1,000; and
3. A population of at least 600,000..... \$1,500.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, an applicant for a SCAT license who holds a permanent retail license and a special catering license, or who pays an additional fee for the privilege of catering in the applicant's

political subdivision, shall be entitled to a license fee credit not to exceed the additional catering fee paid in the political subdivision, provided that there is a minimum license fee payment of \$250 for a general or limited SCAT license.

(f) (1) The holder of a SCAT license:

(i) May serve alcoholic beverages at a catered event throughout the State to individuals 21 years of age or older on an unlicensed premises or on a premises for which a temporary alcoholic beverages license has been issued by the local board of license commissioners; and

(ii) May store unused alcoholic beverages at the holder's principal place of business for use at future catered events.

(2) A licensed retailer who operates solely in the political subdivision under authority of the local board of license commissioners need not acquire a SCAT license.

(g) (1) To enforce the prohibitions under § 12-108 of this article against selling or furnishing alcoholic beverages to persons who are under 21 years of age or visibly under the influence of an alcoholic beverage, the local board of license commissioners may conduct investigations at catered events.

(2) If a local board of license commissioners determines that sales have been made unlawfully, the board shall report its findings to the State Comptroller, who shall take the action that the State Comptroller determines is appropriate.

(h) (1) A holder of a SCAT license:

(i) Shall supply service personnel, including bartenders and waiters, at the events that the holder caters;

(ii) Shall ensure that the service personnel are present at all times during the events; and

(iii) May not deliver alcoholic beverages under the SCAT license to a catered event without service personnel on the premises.

(2) At the end of a catered event, all full containers of alcoholic beverages must be returned to the principal place of business of the holder of the SCAT license.

(i) To ensure product integrity, a partial keg of malt beverage may not be used at another catered event.

(j) At each catered event at which alcoholic beverages products are served:

(1) A holder of a SCAT license shall have at least one individual on-site who has been certified by an alcoholic awareness program that is licensed by the State

Comptroller; and

(2) The sale of food shall represent at least 70% of the total cost of the event.

(k) Except when operating under a permanent on-premises retail alcoholic beverages license issued by a local licensing authority, a holder of a SCAT license may not serve alcoholic beverages at the holder's principal office and may not serve alcoholic beverages at any event for which the holder is a sponsor or promoter.

(l) The holder of a SCAT license may sell and serve alcoholic beverages only during the hours and days that the holder of a Class B license may operate in the jurisdiction where the catered event is conducted.

(m) The State Comptroller may adopt regulations to establish reporting requirements and to carry out this section.

§6-701.1.

(a) This section applies only in Baltimore City.

(b) In this section, "caterer" means any beer and wine or beer, wine and liquor licensee who contracts to provide food and alcoholic beverages to sponsors of public or private events held off the licensed premises.

(c) The Board of License Commissioners may add a special off-sale caterer privilege for the sole purpose of authorizing a licensee to be a caterer.

(d) A licensee who holds the special off-sale caterer privilege may contract to provide food and alcoholic beverages for consumption at a catered event.

(e) The licensee may exercise the special off-sale caterer privilege only during the hours and days that are permitted under this article for the existing beer and wine or beer, wine and liquor license.

(f) (1) A licensee who holds a special off-sale caterer privilege shall have the facilities to prepare and deliver food to the site of the catered event.

(2) The Baltimore City Health Department shall approve the food preparation facilities and issue a caterer's license before the Board adds or renews a special off-sale caterer privilege.

(g) A special off-sale caterer privilege is not a separate class of license and, if it is granted, the privilege is incorporated within the existing on-sale beer, wine and liquor license.

(h) The annual fee for the special off-sale caterer privilege is \$500 in addition to the annual fee for the existing beer and wine or beer, wine and liquor license.

- (i) A special off-sale caterer privilege may be renewed.

§6–702.

- (a) This section applies only in Baltimore County.

(b) In this section “caterer” means a Class B or Class D on-sale beer, wine and liquor licensee who contracts to provide food and sell alcoholic beverages to sponsors of public or private events held off the premises.

(c) The Board of License Commissioners may add a special privilege for off-premises consumption for the sole purpose of authorizing the licensee to be a caterer.

(d) A holder of the special off-sale privilege shall contract and provide food as well as alcoholic beverages for consumption at all off-sale catered events.

(e) The holder may exercise the off-sale consumption privilege only during the hours and days that are permitted in this article for a Class B or Class D on-sale beer, wine and liquor license in the county.

(f) This license privilege is not a separate class of license and, if it is granted, the privilege is incorporated within the existing Class B or Class D on-sale beer, wine and liquor license.

(g) The annual license fee for the special off-sale license privilege is \$500 in addition to the annual fee for the Class B or Class D on-sale beer, wine and liquor license.

- (h) The special off-sale privilege may be renewed.

§6–702.1.

- (a) This section applies only in Caroline County.

(b) (1) The Caroline County Board of License Commissioners may issue a caterer’s license to a licensee who:

- (i) Holds any alcoholic beverages license issued in the county;
- (ii) Holds a caterer’s license issued by the county health department;

and

(iii) Contracts to provide food and alcoholic beverages to sponsors of public or private events.

(2) The Caroline County Board of License Commissioners shall set the license fee for a caterer’s license.

(c) A caterer's license issued under this section authorizes the holder to keep for sale and sell or provide alcoholic beverages on the premises of and during the catered event.

(d) A holder shall provide food as well as alcoholic beverages for consumption at the catered event.

(e) A holder may exercise the privileges of a caterer's license only during the hours and days that are authorized for a Class B restaurant or hotel (on-sale) beer, wine and liquor licensee in Caroline County.

(f) This section does not require a Class B restaurant or hotel (on-sale) beer, wine and liquor licensee to have a caterer's license for catering on the premises that is covered by the existing license.

§6-703.

(a) This section only applies in Carroll County.

(b) (1) In this section the following words have the meanings indicated.

(2) "Board" means the Carroll County Board of License Commissioners.

(3) "Caterer" means an establishment containing one or more banquet rooms suitable for public gatherings, with food preparation facilities on the premises, which contracts to provide food and alcoholic beverages to sponsors of public or private events.

(c) (1) A Class H beer, wine and liquor license shall be issued by the Board which authorizes the owner or operator of a catering establishment to keep for sale and sell all alcoholic beverages at retail at the premises described in the license for consumption on the premises.

(2) The annual license fee is the amount set for a Class B beer, wine and liquor license in § 6-201 of this article.

(3) The fee shall be paid to the Board before any license is issued. The fee shall be distributed as provided in this article.

(d) A caterer licensed under this section also may contract with patrons to permit them to bring personal alcoholic beverages onto the premises of the caterer for consumption at catered events.

(e) A hotel or restaurant which holds a Class B beer, wine and liquor license need not obtain a Class H license if catering is, or has been, a part of the service provided by the hotel or restaurant. Any caterer holding a Class B beer, wine and liquor license shall automatically be issued a Class H liquor license, without any additional charge to the caterer for the license so issued, and the Class B license held by the caterer shall

be surrendered upon receipt of the Class H license.

(f) (1) There is a Class HC license.

(2) The Board may issue a Class HC caterer's (on- and limited off-sale) beer, wine and liquor license to an applicant who holds a Class H caterer's beer, wine and liquor license.

(3) A Class HC caterer's licensee may sell:

(i) Beer, wine, and liquor, 7 days a week, on the premises for on-premises consumption; and

(ii) Beer, wine, and liquor, 7 days a week, at catered events held off the premises for consumption on-premises at the event.

(4) A Class HC licensee shall provide food in addition to alcoholic beverages for consumption at the catered event.

(5) The annual license fee is \$250 more than the annual fee for a Class B hotel or restaurant (on- and off-sale) beer, wine and liquor license.

(6) The hours and days for sale for a Class HC licensee are the same as for a Class B hotel and restaurant (on- and off-sale) beer, wine and liquor licensee.

(7) A Class HC licensee may hold only eight events in any calendar year that are self-sponsored. Pursuant to regulations adopted by the Board, these events may be held only at a location approved by the Board and on dates approved by the Board.

§6-703.1.

(a) This section applies only in Frederick County.

(b) The Board of License Commissioners may issue a caterer's license to a holder of a Class B restaurant or hotel (on-sale) beer, wine and liquor license.

(c) The annual license fee is \$1,500.

(d) A caterer's license issued under this section authorizes the holder to provide alcoholic beverages at publicly or privately sponsored events that are held off the premises that is covered by the Class B restaurant or hotel (on-sale) license.

(e) (1) The holder of a caterer's license shall prepare, deliver, and provide food as well as provide alcoholic beverages for consumption at the catered event.

(2) The county health department shall approve the facilities that prepare the food before the license may be issued, reissued, or renewed.

(f) (1) The holder of a caterer's license shall provide all service employees to serve the alcoholic beverages at the catered event.

(2) At least one employee shall have been certified by an alcohol awareness program and shall be on the premises at all times during the catered event.

(g) After the event, all alcoholic beverages shall remain in possession of the holder of the caterer's license and be returned to the premises covered by the Class B restaurant or hotel license.

(h) The holder of a caterer's license may exercise the privileges under the license only during the hours and days that are permitted in this article for a Class B restaurant or hotel (on-sale) beer, wine and liquor license.

(i) This section does not require a holder of an existing Class B (on-sale) beer, wine and liquor license to hold a caterer's license for catering on the premises that is covered by the existing license.

§6-703.2.

(a) In this section, "holder" means a holder of a caterer's (CAT) license issued by the Board of License Commissioners of Garrett County.

(b) This section applies only in Garrett County.

(c) The Board of License Commissioners of Garrett County may issue a caterer's (CAT) license to a person who meets the requirements of this section.

(d) (1) A CAT license authorizes the holder to keep for sale and sell or provide off-sale alcoholic beverages during a catered event.

(2) A holder may not:

(i) Hold a self-sponsored catered event; or

(ii) Provide only alcoholic beverages at a catered event.

(e) (1) Before a CAT license is issued or renewed, an applicant or holder:

(i) Shall have facilities to prepare food and deliver food to the site of catered events and obtain approval of the facilities from the Garrett County Department of Health; and

(ii) May not hold any other license issued by the Board of License Commissioners.

(2) A holder need not have a banquet hall.

(f) (1) The annual CAT license fee is \$500.

(2) The issuing fee that is charged for each new CAT license is \$500.

(g) A holder may exercise the privileges of a caterer's license only during the hours and days that are authorized for a Class B beer, wine and liquor license in Garrett County.

(h) (1) A holder shall:

(i) Purchase all alcoholic beverages from a wholesaler or retailer licensed to sell alcoholic beverages in Garrett County; and

(ii) Contract for and provide food as well as alcoholic beverages for consumption at the catered event.

(2) During a catered event, a holder shall have at least one individual on site who has been certified by an alcohol awareness program licensed by the State Comptroller.

(3) At the end of a catered event, a holder shall return all containers of alcoholic beverages that are not empty to the holder's principal place of business.

§6-704.

(a) (1) This section applies only in Harford County.

(2) The annual license fee is \$1,500, which shall be paid to the Board before the license is issued and which shall be distributed as provided.

(3) In this section, "caterer" means an establishment that owns or leases 1 or more banquet rooms suitable for public gatherings, with food preparation facilities on the premises, which contracts to provide food and alcoholic beverages to sponsors of public or private events.

(b) (1) A Class H beer, wine and liquor license may be issued upon the approval of the Liquor Control Board and authorizes the owner or operator of a catering establishment to keep for sale and sell all alcoholic beverages at retail at the premises described therein for consumption on the premises during the catered event.

(2) Notwithstanding the provisions of § 12-107 of this article or any other contrary provision of this article, a caterer licensed under this section also may contract with patrons to permit them to bring personal alcoholic beverages onto the premises of the caterer for consumption at catered events.

(3) A caterer licensed under this section may contract to provide alcoholic beverages at events held off the premises, provided that:

(i) The caterer contracts to provide food, as well as alcoholic beverages, for consumption at the catered event; and

(ii) The event is held in Harford County.

(4) A caterer licensed under this section may provide food and keep and sell at retail alcoholic beverages, for consumption only on the premises of the caterer, at a self-sponsored event held once during a calendar year on a day selected by the caterer.

(c) (1) This section does not require a hotel or restaurant which presently holds a Class B beer, wine and liquor license to obtain a Class H license if catering is, or has been, a part of the service provided by the hotel or restaurant.

(2) If a holder of an existing hotel or restaurant Class B beer, wine and liquor license provides catering services on or off the licensed premises, the holder is subject to the requirements of subsection (b)(3) of this section.

(d) A beer, wine and liquor license may be issued to a caterer who has entered into an exclusive lease with a volunteer fire company for a banquet facility owned by that volunteer fire company.

§6–705.

(a) This section applies only in Kent County.

(b) The annual license fee is \$100.

(c) The Board of License Commissioners may issue a caterer's license to a holder of:

(1) A Class B restaurant or hotel (on-sale) beer, wine and liquor license; and

(2) A Class B restaurant or hotel (on-sale) beer and light wine license.

(d) A caterer's license issued under this section authorizes the holder to provide alcoholic beverages at events that are held off the Class B restaurant or hotel (on-sale) beer, wine and liquor license or the Class B restaurant or hotel (on-sale) beer and light wine license premises.

(e) The holder shall provide food as well as alcoholic beverages for consumption at the catered event.

(f) A holder may exercise the privileges under this license only during the hours and days that are permitted in this article for a Class B restaurant or hotel (on-sale) beer, wine and liquor license or a Class B restaurant or hotel (on-sale) beer and light wine license.

(g) This section does not require a holder of an existing Class B (on-sale) beer, wine and liquor license or an existing Class B restaurant or hotel (on-sale) beer and

light wine license to have a caterer's license for catering on the premises that is covered by the existing license.

§6-706.

- (a) This section applies only in Montgomery County.
- (b) The Board of License Commissioners may issue a caterer's license to a holder of a Class B restaurant or hotel (on-sale) beer, wine and liquor license.
- (c) A caterer's license issued under this section authorizes the holder to provide alcoholic beverages at events that are held off the Class B restaurant or hotel (on-sale) beer, wine and liquor license premises.
- (d) The holder shall provide food as well as alcoholic beverages for consumption at the catered event.
- (e) A holder may exercise the privileges under this license only during the hours and days that are permitted in this article for a Class B restaurant or hotel (on-sale) beer, wine and liquor license.
- (f) This section does not require a holder of an existing Class B (on-sale) beer, wine and liquor license to have a caterer's license for catering on the premises that is covered by the existing license.

§6-706.1.

- (a) This section applies only in Montgomery County.
- (b) There is a caterer's (CAT) license.
- (c) The annual license fee is \$1,250.
- (d) The hours and days during which the holder of a CAT license may exercise the privileges of the license are the same as for the holder of a Class B beer, wine and liquor license.
- (e) The holder of a CAT license shall meet all the requirements of this article.
- (f) The holder of a CAT license shall have the facilities to prepare food and deliver food to the site of the catered affair. The county health department shall approve those facilities before the license may be issued, reissued, or renewed.
- (g) The holder of a CAT license shall contract for and provide food as well as alcoholic beverages for consumption at catered events. The holder may not provide only alcoholic beverages at a catered event. The holder shall meet the same ratio of gross receipts between food sales and alcoholic beverage sales as a holder of a Class B beer, wine and liquor license.

(h) An applicant for a CAT license need not have a banquet hall. Persons holding existing licenses are not eligible for a CAT license. A CAT license is a separate alcoholic beverages license.

(i) The holder of a CAT license may not hold any self-sponsored events and may only hold off-sale events.

(j) The holder of a CAT license shall purchase all alcoholic beverages from the Department of Liquor Control.

(k) The holder of a CAT license who violates the requirements of this section is subject to the provisions of Title 16, Subtitle 5 (Penalties) of this article.

§6–707.

(a) This section applies only in Queen Anne’s County.

(b) The annual license fee is \$100.

(c) The Board of License Commissioners may issue a caterer’s license to a holder of a Class B restaurant or hotel (on-sale) beer, wine and liquor license.

(d) A caterer’s license issued under this section authorizes the holder to provide alcoholic beverages at events that are held off the Class B restaurant or hotel (on-sale) beer, wine and liquor license premises.

(e) The holder shall provide food as well as alcoholic beverages for consumption at the catered event.

(f) A holder may exercise the privileges under this license only during the hours and days that are permitted in this article for a Class B restaurant or hotel (on-sale) beer, wine and liquor license.

(g) This section does not require a holder of an existing Class B (on-sale) beer, wine and liquor license to have a caterer’s license for catering on the premises that is covered by the existing license.

§6–708.

(a) This section applies only in St. Mary’s County.

(b) The annual license fee is \$250.

(c) The Board of License Commissioners may issue a caterer’s license to a holder of a Class B restaurant or hotel (on-sale) beer, wine and liquor license.

(d) A caterer’s license issued under this section authorizes the holder to provide alcoholic beverages at events that are held off the Class B restaurant or hotel (on-sale) beer, wine and liquor license premises.

(e) The holder shall provide food as well as alcoholic beverages for consumption at the catered event.

(f) A holder may exercise the privileges under this license only during the hours and days that are permitted in this article for a Class B restaurant or hotel (on-sale) beer, wine and liquor license.

(g) This section does not require a holder of an existing Class B (on-sale) beer, wine and liquor license to have a caterer's license for catering on the premises that is covered by the existing license.

§6-709.

(a) (1) This section applies only in Washington County.

(2) In this section, "Board" means the Board of License Commissioners.

(b) The Board may issue a caterer's license to a holder of a Class B restaurant or hotel (on and off-sale) beer, wine and liquor license.

(c) The annual license fee is \$1,500.

(d) A caterer's license issued under this section authorizes the holder to provide alcoholic beverages at events that are held off the premises covered by the Class B restaurant or hotel (on- and off-sale) license.

(e) The holder shall prepare, deliver, and provide food as well as alcoholic beverages for consumption at the catered event.

(f) Before a caterer's license may be issued, reissued, or renewed, the county health department shall approve the facilities that prepare the food.

(g) A holder may exercise the privileges under this license only during the hours and days that are allowed under this article for the underlying Class B restaurant or hotel (on- and off-sale) license.

(h) This section does not require a holder of an existing Class B restaurant or hotel (on- and off-sale) license to have a caterer's license for catering on the premises that is covered by the existing license.

(i) The holder of a caterer's license shall:

(1) Provide all the service employees to serve the alcoholic beverages at the catered event; and

(2) Ensure that at least one of those employees is certified by an alcohol awareness program and on the premises at all times during the catered event.

§6-710.

- (a) (1) This section applies only in Wicomico County.
- (2) In this section, “Board” means the Board of License Commissioners.
- (b) The annual license fee is \$550.
- (c) (1) The Board may issue a caterer’s license.
- (2) If a caterer’s license is issued, it shall only be issued to a holder of:
 - (i) A Class B restaurant or hotel (on-sale) beer and light wine license; or
 - (ii) A Class B restaurant or hotel (on-sale) beer, wine and liquor license.
- (d) A caterer’s license issued under this section authorizes:
 - (1) The holder of a Class B beer and light wine license to provide beer and light wine at events that are held off the Class B restaurant or hotel (on-sale) beer and light wine licensed premises; and
 - (2) The holder of a Class B beer, wine and liquor license to provide alcoholic beverages at events that are held off the Class B restaurant or hotel (on-sale) beer, wine and liquor licensed premises.
- (e) The holder shall provide food as well as alcoholic beverages for consumption at the catered event.
- (f) A holder may exercise the privileges under this license only during the hours and days that are allowed under this article for the underlying Class B license.
- (g) This section does not require a holder of an existing Class B restaurant or hotel (on-sale) beer and light wine license or a Class B restaurant or hotel (on-sale) beer, wine and liquor license to have a caterer’s license for catering on the premises that is covered by the Class B license.

§6-711.

- (a) This section applies only in Worcester County.
- (b) The annual license fee is \$500.
- (c) The Board of License Commissioners may issue a caterer’s license to a holder of a:
 - (1) Class B restaurant or hotel (on-sale) beer, wine and liquor license; or

(2) Class D beer, wine and liquor license.

(d) A caterer's license issued under this section authorizes the holder to provide alcoholic beverages at events that are held off premises licensed as a Class B restaurant or hotel or a Class D establishment.

(e) The holder shall provide food as well as alcoholic beverages for consumption at the catered event.

(f) A holder may exercise the privileges under a caterer's license only during the hours and days that are permitted in this article for the holder's Class B restaurant or hotel (on-sale) beer, wine and liquor license or Class D beer, wine and liquor license.

(g) This section does not require a holder of an existing Class B restaurant or hotel (on-sale) beer, wine and liquor license or Class D beer, wine and liquor license to have a caterer's license for catering on the premises that is covered by the Class B or Class D license.

§6-712.

(a) This section applies only in Cecil County.

(b) The annual license fee is \$100.

(c) The Board of License Commissioners may issue a caterer's license to a holder of:

(1) A Class B restaurant or hotel beer, wine and liquor license; or

(2) A Class B restaurant or hotel beer and light wine license.

(d) A caterer's license authorizes the holder to provide alcoholic beverages at events that are held off the premises for which the Class B restaurant or hotel beer, wine and liquor license or Class B restaurant or hotel beer and light wine license is issued.

(e) The holder of a caterer's license shall provide food as well as alcoholic beverages for consumption at the catered event.

(f) A holder may exercise the privileges under a caterer's license only during the days and hours that are authorized under this article for a Class B restaurant or hotel beer, wine and liquor license or a Class B restaurant or hotel beer and light wine license.

(g) This section does not require a holder of an existing Class B beer, wine and liquor license or an existing Class B restaurant or hotel beer and light wine license to have a caterer's license for catering on the premises for which the existing license is issued.

§6-713.

(a) This section applies only in Dorchester County.

(b) The Dorchester County Board of License Commissioners may issue a Class B caterer's license to a licensee who:

(1) Holds a Class B restaurant or hotel (on-sale) beer and light wine license or Class B restaurant or hotel (on-sale) beer, wine and liquor license;

(2) Holds a caterer's license issued by the county health department; and

(3) Contracts to provide food and alcoholic beverages to sponsors of public or private events.

(c) The annual license fee is \$150.

(d) (1) A Class B caterer's license authorizes the holder to provide alcoholic beverages at events that are held off the premises covered by the Class B beer and light wine license or Class B beer, wine and liquor license.

(2) A holder of a Class B beer and light wine license or a Class B beer, wine and liquor license need not have a Class B caterer's license for catering on the premises that is covered by the holder's license.

(e) The Board of License Commissioners need not publish an application for a Class B caterer's license before issuing the license.

(f) The holder of a Class B caterer's license:

(1) Shall notify the Board in writing at least 7 days before the event for which the license is to be used;

(2) Shall provide food as well as alcoholic beverages for consumption at the catered event; and

(3) May exercise the privileges of the license only during the hours and days that are authorized for the holder's Class B beer and light wine license or Class B beer, wine and liquor license.

(g) When catering a public event, a holder of a Class B caterer's license:

(1) Shall distribute a wristband to each individual at least 21 years old at the catered event; and

(2) May not serve an alcoholic beverage to an individual at the catered event who does not wear the wristband.

§6–714.

- (a) (1) This section applies only in Somerset County.
- (2) In this section, “Board” means the Board of License Commissioners.
- (b) The annual license fee is \$550.
- (c) (1) The Board may issue a caterer’s license.
- (2) If a caterer’s license is issued, it shall be issued only to a holder of:
 - (i) A Class B restaurant or hotel (on–sale) beer and light wine license; or
 - (ii) A Class B restaurant or hotel (on–sale) beer, wine and liquor license.
- (d) A caterer’s license issued under this section authorizes:
 - (1) The holder of a Class B beer and light wine license to provide beer and light wine at events that are held off the Class B restaurant or hotel (on–sale) beer and light wine licensed premises; and
 - (2) The holder of a Class B beer, wine and liquor license to provide alcoholic beverages at events that are held off the Class B restaurant or hotel (on–sale) beer, wine and liquor licensed premises.
- (e) The holder shall provide food as well as alcoholic beverages for consumption at the catered event.
- (f) A holder may exercise the privileges under this license only during the hours and days that are allowed under this article for the underlying Class B license.
- (g) This section does not require a holder of an existing Class B restaurant or hotel (on–sale) beer and light wine license or a Class B restaurant or hotel (on–sale) beer, wine and liquor license to have a caterer’s license for catering on the premises that is covered by the Class B license.

§7–101.

- (a) (1) On approval by the board of license commissioners for that jurisdiction, if any, of a proper application, made on forms prescribed by the State Comptroller, signed and sworn to, the license issuing authority may grant the types of special licenses for the periods and at the fees specified in this section.
- (2) For an application for a statewide license, the Comptroller may grant the license.

(3) In Anne Arundel County, the provisions of §§ 10–103(b) and 10–202 of this article and § 3–102 of the General Provisions Article do not apply to an applicant for a special Class C beer license, special Class C beer and wine license, or special Class C beer, wine and liquor license for a period not to exceed 7 consecutive days from the effective date of the license.

(b) (1) (i) Subject to subsection (a) of this section, a special Class C beer license or a special Class C beer and wine license entitles the holder to exercise any of the privileges conferred by the respective classes of licenses for the use of any person holding any bona fide entertainment conducted by any club, society or association at the place described in the license, for a period not exceeding seven consecutive days from the effective date thereof.

(ii) The fee is \$5 per day.

(2) In Anne Arundel County:

(i) The fee is \$25 per day; and

(ii) The provisions of §§ 10–103(b) and 10–202 of this article and § 10–501 of the State Government Article do not apply to an applicant for either the special Class C beer license or the special Class C beer and wine license.

(3) In Baltimore City the fee is \$25 per day.

(4) In Baltimore County the fee is \$30 per day, except that for any bona fide religious, fraternal, civic, war veterans', hospital or charitable organization, the fee is \$20.

(5) In Carroll County the fee is \$50 per day.

(6) In Dorchester County:

(i) A holder of a special Class C beer license or a special Class C beer and wine license may cater an event at the place described in the license on the effective days of the license;

(ii) The fee is \$15 per day; and

(iii) A holder of a special Class C beer license or a special Class C beer and wine license:

1. Shall distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; and

2. May not serve an alcoholic beverage to any individual who does not wear the wristband.

- (iv) A person who violates this paragraph is subject to:
 - 1. For the first offense, a fine of \$50; and
 - 2. For the second offense, a fine not exceeding \$500 and denial of further requests for licenses for catering additional events.
- (7) (i) This paragraph applies only in Frederick County.
- (ii) An applicant may purchase:
 - 1. A single-day special Class C beer license or beer and wine license for each day a license is required; or
 - 2. A multiday special Class C beer license or beer and wine license for all days for which a license is required.
- (iii) The total number of days for which licenses under this paragraph may be issued to a single applicant may not exceed 50 days in a calendar year.
- (iv) The fee is \$10 per day for:
 - 1. A single-day special Class C beer license or beer and wine license; or
 - 2. A multiday special Class C beer or beer and wine license.
- (8) In Harford County the fee is \$15 per day.
- (9) In Howard County the fee is \$15 per day.
- (10) In Montgomery County:
 - (i) The fee is \$30 per day; and
 - (ii) In addition to paragraph (1)(i) of this subsection and notwithstanding § 1-102(a)(4) of this article, the Board of License Commissioners may issue a one-day special Class C beer license or a one-day special Class C beer and wine license to a community swimming pool club.
- (11) In Prince George's County:
 - (i) Except as provided in items (ii) and (iv) of this paragraph, the fee is \$75 per day;
 - (ii) For a club, society, or association holding a casino or gambling event, the fee is \$100 per day, which shall be paid by the club, society, or association and shall be considered as part of the club's, society's, or association's special license fee;

(iii) The Board of License Commissioners may deny an application for this license if it is determined that the applicant does not qualify under the provisions of this article; and

(iv) 1. The Board of License Commissioners may issue a Class D beer and wine license to an individual or on behalf of an entity that holds an event in the property of a conceptual site plan at least part of which includes a waterfront entertainment retail complex as defined by the county zoning ordinance;

2. A holder of the license may display and sell beer and wine at retail for consumption on or off the licensed premises during the days and hours designated for the event;

3. An event for which the license is issued may not last longer than 7 consecutive days;

4. This subparagraph does not prevent a holder of the license from holding another alcoholic beverages license of a different class or nature;

5. The Board of License Commissioners may adopt regulations to carry out this subparagraph; and

6. The license fee is \$100 per day.

(12) In Washington County:

(i) The fee for a special Class C beer license is \$15 per day;

(ii) The fee for a special Class C beer and light wine license is \$25 per day; and

(iii) The fee for a special Class C beer and wine street festival license is \$30 per day.

(13) In Wicomico County the fee is \$30 per day.

(c) Whenever a special one-day license is issued under subsection (b) of this section, the holders of wholesale licenses may enter into an agreement with the holder of a special one-day license to deliver beer or wine two days prior to the effective date, and to accept returns two days after the expiration date of the special license. Delivery of the beer or wine only may be made if the holder of the special license has in hand the special license at time of delivery.

(d) (1) (i) A special Class C beer, wine and liquor license entitles the holder to exercise any of the privileges conferred by this class of license for the use of any person holding a bona fide entertainment conducted by a club, society, or association at the place described for a period not exceeding seven consecutive days, upon the payment of a fee of \$15 per day.

(ii) The provisions of § 11–517 of this article do not apply to holders of this license. Alcoholic beverages sold under this special license shall be purchased by such special license holder from retail dealers.

(2) In Anne Arundel County:

(i) A special beer, wine and liquor license, Class C licensee may purchase beer from a wholesaler;

(ii) The fee is \$50 per day; and

(iii) The provisions of §§ 10–103(b) and 10–202 of this article and § 10–501 of the State Government Article do not apply to an applicant for the license.

(3) In Baltimore City:

(i) The holder of a Class C special beer, wine and liquor license may purchase beer and light wine from a wholesale dealer.

(ii) The Board of Liquor License Commissioners may collect from the holder of the Class C special beer, wine and liquor license:

1. A license fee of \$50 per day; and

2. Reimbursement for costs incurred while monitoring the event for which the license is issued.

(4) (i) In Baltimore County:

1. The fee for this license is \$50 per day, except that for any bona fide religious, fraternal, civic, war veterans', hospital or charitable organization, the fee for this license is \$35; and

2. The holder of a special 7–day Class C beer, wine and liquor license may purchase beer and light wine from a wholesale dealer.

(ii) Notwithstanding any other provision of law to the contrary, the holder of a special 7–day Class C beer, wine and liquor license may agree with the holder of a wholesale license to deliver beer and wine on the effective days of the license and accept returns on the same day of delivery.

(5) In Calvert County the fee for this license is \$25 per day, except that for any bona fide religious, fraternal, civic, war veterans', hospital or charitable organization, the fee for the license is \$15.

(6) In Carroll County the fee is \$50 per day.

(7) Notwithstanding paragraph (1)(i) of this subsection, in Charles County the fee is \$25 per day.

(8) In Dorchester County:

(i) A holder of a special Class C beer, wine and liquor license may cater an event at the place described in the license on the effective days of the license;

(ii) The fee is \$25 per day; and

(iii) A holder of a special Class C beer, wine and liquor license:

1. Shall distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; and

2. May not serve an alcoholic beverage to any individual who does not wear the wristband.

(iv) A person who violates this paragraph is subject to:

1. For the first offense, a fine of \$50; and

2. For the second offense, a fine not exceeding \$500 and denial of further requests for licenses for catering additional events.

(9) (i) This paragraph applies only in Frederick County.

(ii) An applicant may purchase:

1. A single-day special Class C beer, wine and liquor license for each day a license is required; or

2. A multiday special Class C beer, wine and liquor license for all days for which a license is required.

(iii) The total number of days for which licenses under this paragraph may be issued to a single applicant may not exceed 50 days in a calendar year.

(iv) The fee is \$30 per day for:

1. A single-day special Class C beer, wine and liquor license;
or

2. A multiday special Class C beer, wine and liquor license.

(10) In Garrett County, a holder of a special Class C beer, wine and liquor license may purchase beer and light wine from a wholesale dealer.

(11) In Harford County the fee is \$30 per day.

(12) Notwithstanding paragraph (1)(i) of this subsection, in Montgomery County:

(i) The fee is \$60 per day; and

(ii) Notwithstanding § 1–102(a)(4) of this article, the Board of License Commissioners may issue a one–day special Class C beer, wine and liquor license to a community swimming pool club.

(13) (i) This paragraph applies only in Prince George’s County.

(ii) Except as provided in item (iii) of this paragraph, the fee is \$200 per day.

(iii) For a club, society, or association holding a casino or gambling event, the fee is \$150 per day, which shall be paid by the club, society, or association and shall be considered as part of the club’s, society’s, or association’s special license fee.

(iv) When the Board of License Commissioners issues a license under this paragraph, the Board shall notify the chief of police, the fire chief, the director of the Department of Environmental Resources, and, if applicable, the municipal corporation in which the event is to be held, as to the time, place, and expected size of the event for which the license is issued.

(v) The Board of License Commissioners may deny an application for this license if it is determined that the applicant does not qualify under the provisions of this article.

(14) In Wicomico County the fee is \$45 per day.

(e) A special license of any class entitles its holder to exercise the privilege of the license for a period not exceeding ten consecutive days at a fee of \$5 per day. In cases where a license has been cancelled, revoked, or suspended, renewal has been denied by the local board, or where a renewal license has been granted by the local board and the court on appeal has reversed the local board’s decision, the licensee may dispose of the licensee’s stock of alcoholic beverages. The special license shall carry with it the privilege of selling the stock at retail or to one or more holders of wholesale licenses. The holders of wholesale licenses may purchase them. This subsection does not authorize the licensee to purchase alcoholic beverages for the purpose of resale under this license.

(f) When the move is necessitated by fire or other catastrophe, the holder of a special license of any class may temporarily move the licensed premises from one location to another while the premises are being restored. The holder may exercise the privileges of the license for a period in the discretion of the Comptroller or board of license commissioners, as the case may be, but not to exceed six months. A fee may not be charged for this special license but the Comptroller or board shall approve, as in the case of the original application, the new location to which the license holder has temporarily moved.

(g) The special licenses provided for in this section may not be issued in any

county or in Baltimore City, or in this State in case of application for statewide license, if the issuance of a regular license of the same class is not authorized by this article.

(h) (1) The provisions of this subsection apply only in Allegany County.

(2) The Board of License Commissioners may grant special licenses of any class, except manufacturer's and wholesaler's, which entitles their holder to exercise any of the privileges conferred by the respective classes of licenses at any bona fide entertainment held or conducted by any club, society, or association at the place described in the license, for a period not exceeding seven consecutive days from the effective date of the license, upon the payment, before the license is issued, to the Board of License Commissioners of a fee of:

(i) \$20 per day for any beer or beer and light wine license; or

(ii) \$50 per day, for not more than 14 consecutive days, for any beer, wine and liquor license.

(3) (i) The Board of License Commissioners may issue a special permit to holders of Class D beer and Class D beer and light wine licenses that allows the sale of beer, wine and liquor by the drink for consumption on the premises.

(ii) A holder of this special permit may continue to sell beer or beer and wine for consumption on or off the premises, but the holder may not sell liquor for consumption off the premises, or purchase or possess liquor on the premises in any size container smaller than 23 ounces or 680 milliliters.

(iii) Application for this special permit shall be made not less than 30 days prior to the day on which the permit is to take effect.

(iv) The annual fee for this special permit is \$500.

(4) (i) The Board of License Commissioners may issue a 1-day special retail license of any class that entitles the holder to exercise any privilege conferred by that class of license at a bona fide entertainment event.

(ii) The license is valid for a period not exceeding 5 consecutive days.

(iii) The fee for the license shall be set by the Board of County Commissioners on the recommendation of the Board of License Commissioners.

(iv) The license holder may exercise the privileges of the license only on county-owned property.

(v) The Board of County Commissioners shall:

1. Distribute \$100 of the license fee to the Board of License Commissioners; and

2. Donate the balance of the license fee to a bona fide nonprofit charitable organization that is tax exempt under § 501(c)(3) or (4) of the United States Internal Revenue Code.

(vi) The license holder, with the approval of the County Commissioners, shall designate the bona fide charitable organization to be the recipient of the donation under subparagraph (v) of this paragraph.

(vii) To qualify for the license, a person shall submit an application not less than 30 days before the day on which the license is to take effect.

(i) (1) The provisions of this subsection apply only in Baltimore County.

(2) The Board of License Commissioners may issue multiple one-day alcoholic beverages licenses under this section to any bona fide nonprofit charitable organization that is tax exempt under § 501(c)(3) or (4) of the United States Internal Revenue Code.

(3) (i) The applicant shall list, on the application for the license, the dates of the events for which a license is required.

(ii) A multiple one-day alcoholic beverages license issued under this subsection may not include more than 12 dates.

(4) The Board of License Commissioners shall adopt regulations necessary for the implementation of this subsection.

(j) (1) The provisions of this subsection apply only in Caroline County.

(2) The Board of License Commissioners may grant special licenses of any class, except manufacturer's and wholesaler's, which entitle the holder to exercise any of the privileges conferred by the respective classes of licenses at any bona fide entertainment held or conducted by any club, society, or association.

(3) The license shall be in the form prescribed by the Board, and the applicant shall sign and swear to the license.

(4) The fee for each license is \$50.

(5) Before a license is issued, the fee shall be paid to the Board for the use of the county.

(6) A special license may not be granted to any organization more than 12 times in any calendar year.

(7) (i) Instead of purchasing individual event licenses for a particular class of license, an applicant may purchase a special multiple event license for the same class of license.

(ii) Fees for a special multiple event license are:

1. \$250 for not more than 10 events per year;
2. \$500 for not more than 20 events per year;
3. \$750 for not more than 30 events per year; and
4. \$1,000 for not more than 40 events per year.

(iii) The total number of days for which special multiple event licenses may be issued to a single applicant may not exceed 40 days per calendar year.

(iv) 1. The applicant shall pay in advance the fee for a special multiple event license.

2. The Board may not issue a refund if the holder of the license in a calendar year holds fewer than the number of events that the holder is entitled to conduct.

(v) A special multiple event license shall be issued:

1. For one premises only; and
2. Subject to subparagraph (vi) of this paragraph, to the same applicant for all events for which the license is issued, unless the Board in writing approves a substitute applicant.

(vi) The Board may hold a hearing before approving a substitute applicant under subparagraph (v)2 of this paragraph.

(vii) A server who is currently certified as having completed an alcohol awareness program shall be on the premises for which a special multiple event license is issued whenever alcoholic beverages are served under the license.

(8) (i) This paragraph applies only to volunteer fire companies.

(ii) Alcoholic beverages may be stored on the licensed premises in between individual licensed events if the alcoholic beverages:

1. Are in a specially identified locked and secured location; and
2. Are not sold or consumed except during licensed event hours for licensed event purposes.

(iii) 1. A license holder shall keep complete and accurate records of all alcoholic beverages purchased and sold on the licensed premises.

2. The records shall be:

- A. Maintained on the licensed premises for 2 years; and
- B. Available for inspection by authorized personnel of the Comptroller's Office and the Board of License Commissioners.

3. The records shall include a completed pre- and post-inventory of all alcoholic beverages for each individual event.

(iv) Authorized personnel of the Comptroller's Office and the Board of License Commissioners may inspect the premises of a license holder as provided under § 16-405 of this article.

(v) A license holder who violates this paragraph is subject to:

- 1. For the first offense, a fine of \$100; and
- 2. For the second offense, a fine not exceeding \$500 and denial of future requests for a license for an individual event or a special multiple event license.

(k) (1) The Carroll County Board of License Commissioners may grant special Class C beer, wine and liquor licenses which entitle the holder to exercise any of the privileges conferred by that class of license at any bona fide entertainment held or conducted by any Carroll County fire department or an arts center on West Main Street in Westminster.

(2) The license shall be in the form prescribed by the Board, and the applicant shall sign the license.

(3) The annual fee for a special license is as follows:

- (i) Up to 10 events per year – \$125;
- (ii) Up to 20 events per year – \$250;
- (iii) Up to 30 events per year – \$375; and
- (iv) Up to 40 events per year – \$500.

(4) The fee shall be paid before a license is issued.

(5) This special license may not be granted to any fire department or an arts center on West Main Street in Westminster more than one time in any year.

(6) The total number of days authorized by this special license may not exceed 40 in any calendar year.

(7) This subsection does not preclude a fire company or an arts center on West Main Street in Westminster from obtaining a single event special Class C license under other provisions of this section.

- (1) (1) This subsection applies only in Cecil County.
- (2) In this subsection “Board” means the Board of License Commissioners.
- (3) In this subsection, where action of the Board is required, a simple majority of the total number of the members of the Board may act in the following ways to give its approval or disapproval to an application for a special license:
 - (i) A formal meeting, with a quorum present; or
 - (ii) Oral or written contact by the chairman with each member of the Board. This contact may be by any method, including telephone or facsimile. If this approach is chosen, the chairman shall indicate in writing for the records of the Board how each member and the chairman voted.
- (4) (i) Upon approval of an application on a form prescribed by the Board, signed and sworn to, the Board may grant special licenses of any class, except manufacturer’s and wholesaler’s. The licensee may exercise any of the privileges conferred by the respective classes of licenses at any bona fide entertainment held or conducted by any club, society, or association at the place described in the license, upon the payment of the following fees:
 1. A beer or beer and light wine license – \$10 per day; or
 2. A beer, wine and liquor license – \$20 per day.
- (ii) The fee shall be paid to the Board for the use of the county before the license is issued.
- (iii) This special license may not be granted to any organization more than four times in any year, nor may the total number of days authorized by special licenses for any organization exceed four in a calendar year.
- (5) The Board may not require the publication of an application for a special temporary alcoholic beverages license as a prerequisite to the granting of such a license.
- (6) (i) The Board may grant a special Class T license. The license shall be in the form prescribed by the Board. The applicant shall sign and swear to the license. The Class T license permits the holder to conduct wine tasting parties and demonstrations.
- (ii) The fee is \$25 per day and shall be paid prior to the issuance of this license.
- (iii) This license may not be issued to any person more than four times in any calendar year. The total number of days authorized by the Class T license for any person may not exceed four in a calendar year.

(7) (i) The Board may grant special licenses of any class, except manufacturer's and wholesaler's, which entitle the holder to exercise any of the privileges conferred by the respective classes of licenses at any bona fide entertainment held or conducted by any Cecil County fire department. The license shall be in the form prescribed by the Board, and the applicant shall sign the license.

(ii) The fee shall be paid before a license is issued and is:

1. For any beer or beer and light wine license – \$120 per year;
or

2. For any beer, wine and liquor license – \$240 per year.

(iii) This special license may not be granted to any fire department more than one time in any year. The total number of days authorized by this special license may not exceed 24 in any calendar year.

(8) (i) There is a refillable container permit.

(ii) The Board may issue a refillable container permit to a holder of a Class A or Class B alcoholic beverages license.

(iii) Subject to subparagraph (iv) of this paragraph, a refillable container permit entitles the holder to sell draft beer for consumption off the licensed premises in a refillable container with a capacity of not less than 32 ounces and not more than 128 ounces.

(iv) To be used as a refillable container under subparagraph (iii) of this paragraph, a container shall meet the standards under § 21–107 of this article.

(v) Before the Board issues a refillable container permit to an applicant, the applicant shall:

1. Complete the form that the Board provides; and

2. Pay an annual permit fee of \$50.

(vi) The term of a refillable container permit issued to a successful applicant is the same as that of the license that the applicant holds.

(vii) Receipts collected under a refillable container permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under § 11–508(b)(3) of this article.

(viii) The hours of sale for a refillable container permit begin and end at the same time as those for the license already held by the person to whom the refillable container permit is issued.

(ix) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

(x) The Board shall adopt regulations to carry out this paragraph.

(m) (1) This subsection applies only in Charles County.

(2) The Board of License Commissioners may issue a special Class D (on–sale) beer permit to any bona fide religious, fraternal, civic, veterans’, hospital or charitable organization for a period not exceeding ten consecutive days from the effective date of the license, subject to any conditions the Board may impose on the issuance of this permit. The fee for this permit is \$45.

(n) (1) This subsection applies only in Dorchester County.

(2) The Board of License Commissioners may grant a special license of any class, except for any license issued by the Comptroller, that entitles the holder to exercise any of the privileges conferred by that class at an event conducted by a not for profit club, society, association, or organization.

(3) An applicant for a license shall submit to the Board a completed, signed, and notarized application on the form that the Board provides.

(4) The fees are:

(i) \$15 per day for a beer license or a beer and light wine license; and

(ii) \$25 per day for a beer, wine and liquor license.

(5) An applicant shall pay the fee to the Board before a license is issued.

(6) A holder of a special license under this subsection may cater an event at the place described in the license on the effective days of the license.

(7) The Dorchester County Board of License Commissioners may not require the publication of an application for a special temporary alcoholic beverages license as a prerequisite to the granting of such a license.

(o) (1) This subsection applies only in Frederick County.

(2) (i) This paragraph:

1. Permits sales for off–premises consumption only on the days permitted by the license for the special anniversary or special event; and

2. Applies only to special anniversary or special event collectible bottles.

(ii) After obtaining a license pursuant to this section, the following

licensees may sell collectible bottles of wine or liquor:

1. Special Class C beer and light wine; and
2. Special Class C beer, wine and liquor.

(3) Notwithstanding any other restrictions imposed by this article, special licenses may be issued for the volunteer fire companies described in § 8–211(g) of this article.

(p) (1) In Garrett County, there are 4 types of special Class C beer, beer and wine, or beer, wine and liquor licenses available, as follows:

- (i) A special 2–day Class C license for a fee of \$50;
- (ii) A special 6–day Class C license for a fee of \$150;
- (iii) A special 12–day Class C license for a fee of \$300; or
- (iv) A special multiple event Class C license under the following

conditions:

1. The Board of License Commissioners may issue a special multiple event license to an organization that otherwise qualifies for a special Class C license;

2. The annual fee for a special multiple event license is as follows:

- A. \$125 for up to 5 events per year;
- B. \$250 for up to 12 events per year;
- C. \$375 for up to 18 events per year; and
- D. \$500 for up to 24 events per year;

3. The Board may not issue more than 1 special multiple event license to an organization in a license year;

4. A special multiple event licensee shall notify the Board in writing at least 7 days before an event; and

5. The Board shall publish a notice for application for a special multiple event license one time at least 7 days before the hearing on the license.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Garrett County Board of License Commissioners may grant a license holder a privilege at no charge to sell for consumption off the licensed premises an alcoholic beverage

authorized by the license if:

1. The alcoholic beverage is bottled in commemorative or special event bottles and sold at a special event;

2. The Board approves the commemorative or special event bottles before the event occurs; and

3. The alcoholic beverage will be sold at the event only on the days and hours allowed by the Board.

(ii) A holder of a license is entitled to be granted the privilege described under subparagraph (i) of this paragraph if the license is a:

1. Special 2–day Class C license;

2. Special 6–day Class C license;

3. Special 12–day Class C license; or

4. Special multiple event Class C license.

(3) The organization for which a special multiple event Class C license is issued shall ensure that at least one server who is certified by an approved alcohol awareness program is on the premises when alcoholic beverages are served.

(4) (i) This paragraph applies only to the holder of a special multiple event license who has an approved licensed premises.

(ii) Alcoholic beverages may be stored between individual licensed events on the licensed premises or in a storage area that the Board of License Commissioners approves if the alcoholic beverages:

1. Are in a specially identified locked and secured location; and

2. Are not sold or consumed except during licensed event hours for licensed event purposes.

(iii) 1. A license holder shall keep complete and accurate records of all alcoholic beverages purchased and sold on the licensed premises.

2. The records shall be:

A. Maintained on the licensed premises for 2 years; and

B. Available for inspection by authorized personnel of the Comptroller’s Office and the Board of License Commissioners.

3. The records shall include a completed pre– and

post-inventory of all alcoholic beverages for each individual event.

(iv) Authorized personnel of the Comptroller's Office and the Board of License Commissioners may inspect the premises of a license holder as provided under § 16-405 of this article.

(p-1) (1) This subsection applies only in Howard County.

(2) There is a Class B special beer and wine (B-SBW) (off-sale) license.

(3) A holder of a B-SBW license may sell beer and wine for consumption off the licensed premises.

(4) The Board of License Commissioners may issue a B-SBW license only to a holder of a Class B beer, wine and liquor (7-day) (on-sale) license that is issued for a restaurant.

(5) The term of a B-SBW license issued to a successful applicant shall be the same as that of the Class B beer, wine and liquor license that the applicant holds.

(6) Before the Board of License Commissioners issues a B-SBW license to an applicant:

(i) The applicant shall:

1. Complete the form that the Board of License Commissioners provides; and

2. Pay an annual license fee of \$500; and

(ii) The same advertising, posting of notice, and public hearing requirements as those for other Class B licenses shall be met.

(7) A holder of a B-SBW license:

(i) May sell beer and wine for consumption off the licensed premises only to persons who have purchased food or alcohol from the licensed premises; and

(ii) In areas of the establishment that are accessible to the public, may not display or provide shelving for beer or wine for off-premises sales.

(8) Off-sale alcoholic beverages receipts collected under a B-SBW license shall be included in the calculation of average daily receipts from the sale of alcoholic beverages under § 1-102(a)(22)(i)1C of this article.

(9) The hours for sale for a B-SBW license are from 10 a.m. to midnight, Monday through Sunday.

(10) A holder of a B-SBW license may exercise the privileges of the license

only if the licensed premises is open for business as a restaurant.

(11) The Board of License Commissioners may issue a refillable container permit to a holder of any class of alcoholic beverages license issued by the Board of License Commissioners except a Class C license and a Class GC license:

- (i) On completion of an application form that the Board provides;
- and
- (ii) At no cost to the license holder.

(12) The Board of License Commissioners may adopt regulations to carry out this subsection, including a limit on the number of licenses to be issued.

(q) In Kent County, a special Class C beer license, a special Class C beer and wine license and a special Class C beer, wine and liquor license may be issued to any bona fide religious, fraternal, civic, veterans', hospital, or charitable club, society, association, or organization, for a period not exceeding 3 days. The fee for the special beer license is \$5 per day, the fee for the special beer and wine license is \$15 per day, and the fee for the special beer, wine and liquor license is \$25 per day.

(r) (1) This subsection applies only in St. Mary's County.

(2) There is a special Class C beer license, a special Class C beer and wine license, or a special Class C beer, wine and liquor license.

(3) The Board of License Commissioners may:

(i) Issue a license listed in paragraph (2) of this subsection to a bona fide religious, fraternal, civic, veterans', hospital, or charitable club, society, association, or organization; and

(ii) Impose conditions on the issuance of the license.

(4) The periods for which the licenses listed in paragraph (2) of this subsection may be issued are:

(i) Special Class C beer license — not exceeding 10 consecutive days from its effective date;

(ii) Special Class C beer and wine license — 1 day; and

(iii) Special Class C beer, wine and liquor license — 1 day.

(5) The fee for each license is \$10.

(6) A holder of a special license under this subsection may purchase the alcoholic beverages to be sold under the special license from a retail dealer.

(s) (1) This subsection applies only in Somerset County.

(2) The Board of License Commissioners may grant special licenses of any class except manufacturer's and wholesaler's licenses.

(3) The licenses entitle the holder to exercise any of the privileges conferred by the respective classes of licenses at any bona fide entertainment held or conducted by any club, society, association, or civic or charitable organization.

(4) (i) A special beer or beer and light wine license may be issued for up to 7 consecutive days.

(ii) A special beer, wine and liquor license may be issued for up to 14 consecutive days.

(5) (i) The fee for a special beer, beer and light wine, or beer, wine and liquor license is \$63 for each license day.

(ii) After the initial 2-day period, the fee for each additional day is \$32.

(6) The fees shall be paid to the Board for the use of the county before the license is issued.

(7) The Board may not require the publication of an application for a special temporary alcoholic beverages license as a prerequisite to the granting of such a license.

(t) (1) This subsection applies only in Washington County.

(2) (i) There is a special Class C (on-sale) beer, wine and liquor license, which shall be issued solely to clubs having an annual on-sale beer, wine and liquor license. This special license entitles the licensee to sell alcoholic beverages at any place other than its regular place of business.

(ii) The license permits sales for a period not to exceed five days.

(iii) The daily fee is \$30. There is no fee on Sunday.

(3) (i) There is an additional special license, referred to locally as a "picnic" license. This license permits the club owner to sell only beer at any place other than the club owner's regular place of business.

(ii) The license may be exercised only on Sundays between 12 noon and midnight notwithstanding daylight saving time.

(iii) The license fee is \$15 per each Sunday a "picnic" is held.

(4) (i) The Washington County Board of License Commissioners may

issue a special Class C (on-sale) beer and wine street festival license.

(ii) The license may be issued to a not-for-profit club, society, association, or organization.

(iii) The license entitles the holder to exercise any of the privileges conferred by the special Class C (on-sale) beer and wine street festival license at a bona fide entertainment event that is:

1. Held in the Arts and Entertainment District in Hagerstown;
- and
2. Approved by the Mayor of Hagerstown and the Hagerstown City Council.

(iv) The application shall be on forms provided by the Board and made under oath by the applicant.

(v) The fee shall be paid before a license is issued.

(vi) A holder of a special Class C (on-sale) beer and wine street festival license:

1. At the event for which the license is issued, shall distribute a wristband to each individual who is at least 21 years old; and
2. May not serve an alcoholic beverage to any individual who does not wear the wristband.

(vii) A person who violates subparagraph (vi) of this paragraph is subject to:

1. For the first offense, a fine of \$250; and
2. For the second offense, a fine not exceeding \$1,000 and denial of further requests for special Class C (on-sale) beer and wine street festival licenses.

(viii) The total number of days authorized by the special Class C (on-sale) beer and wine street festival license may not exceed 26 in any calendar year.

(ix) The Board of License Commissioners may adopt regulations necessary for the implementation of this paragraph.

(x) The provisions of §§ 10-103(b) and 10-202 of this article and § 3-102 of the General Provisions Article do not apply to an applicant for the special Class C beer license, the special Class C beer and wine license, or the special Class C (on-sale) beer and wine street festival license.

(xi) This paragraph does not prevent a holder of a special Class C (on-sale) beer and wine street festival license from holding another alcoholic beverages license of a different class or nature.

(u) (1) This subsection applies only in Worcester County.

(2) (i) The Board of License Commissioners may issue a special license to the holder of a 6-day Class B or Class C beer, wine and liquor license located in the county. The license permits the licensee to sell alcoholic beverages to bona fide conventions and such other special groups that are approved by the:

1. Mayor and city council of the incorporated town (if any) in which the premises are located, if the mayor and city council elect to exercise this power; and

2. Board of License Commissioners.

(ii) The license permits consumption on the premises only on Sunday during the hours of 12:30 p.m. and 1:00 a.m. the following Monday, prevailing time.

(iii) The holder of the license may exercise the privileges of the license at the time and place described in the license upon the payment of a fee.

(iv) The daily license fee is \$10.

(v) Application for the permit shall be made not less than 10 days prior to the day upon which the permit is to be exercised.

(3) (i) There is a special Sunday club license.

(ii) The license may be issued to bona fide clubs which already hold a Class C beer, wine and liquor license.

(iii) The additional fee is \$10.

(iv) A club may be issued no more than 20 special Sunday licenses during a calendar year.

(v) Application for the license shall be made at least 14 days in advance to the Board of License Commissioners. The license is subject to the approval of application by the Board and subject also to other conditions, regulations and restrictions as established by the Board for the consumption of those alcoholic beverages on the premises.

(4) (i) There is a nonprofit charitable organization license.

(ii) The license is a multiple one-day alcoholic beverages license to any bona fide nonprofit charitable organization.

(iii) The applicant shall specify the dates of the events for which the license will be used.

(iv) A multiple one-day alcoholic beverages license may not include more than 12 dates.

(5) (i) An alcoholic beverages license is not needed pursuant to the provisions of this paragraph of this subsection.

(ii) 1. In this paragraph the following words have the meanings indicated.

2. "Board" means the Board of License Commissioners.

3. "Commission" means the Ocean City Convention Hall Commission.

4. "Organization" includes the following bona fide, nonprofit groups:

A. Armed services;

B. Charitable;

C. Civic;

D. Employee;

E. Firemen;

F. Fraternal;

G. Governmental-support;

H. Hospital;

I. Labor;

J. Patriotic;

K. Political;

L. Professional;

M. Religious;

N. Trade; and

O. War veterans.

(iii) The Board, with the approval of the Commission or their successors, may permit the members and guests of any organization to bring their own alcoholic beverages onto the premises of the Hall without any type of alcoholic beverages license, if:

1. These beverages are not sold; and
2. Their consumption is restricted to the premises.

(iv) The Board, with the approval of the Commission or their successors, may permit the Mayor and City Council of Ocean City or its designee to sponsor a function at which the patrons are permitted to bring their own alcoholic beverages onto the premises of the Hall without any type of alcoholic beverage license, if:

1. These beverages are not sold; and
2. Their consumption is restricted to the premises.

(v) All licensees shall purchase all wines and liquors, except light wine and beer, from the Liquor Control Board. They shall be charged 85 percent of the retail price or any special sale price or discount price, whichever is lower, set by the Board for wines and liquors. However, the price the Board charges to the licensees may not be lower than 10 percent above the cost the Liquor Control Board must pay for the merchandise to wholesalers. All licensees may purchase beer and light wine from licensed wholesalers.

(v) (1) This subsection applies only in Harford County.

(2) (i) The Liquor Control Board may grant a special Class C beer and wine license which entitles the holder to exercise any of the privileges conferred by that class of license at any bona fide entertainment held or conducted by any county fire department.

(ii) The Board shall prescribe the form for the application and the applicant shall sign it. The fee shall be paid before the license is issued.

(iii) The annual license fees are as follows for up to:

1. 10 events per year..... \$150;
2. 20 events per year..... \$300;
3. 30 events per year..... \$450;
4. 40 events per year..... \$600.

and

(iv) A license may not be granted to a fire department more than one time in any year.

(v) The total number of days authorized by this special license may not exceed 40 in any calendar year.

(vi) A licensee shall notify the Board in writing at least 7 days prior to each event.

(vii) This paragraph does not preclude a fire department from obtaining a single event special Class C license under other provisions of this section.

(3) (i) The Board may issue a special Class C-3 (on-sale) beer, wine and liquor license to a miscellaneous organization or club, as defined under § 6-301(n)(6)(i) 1 of this article, that holds a Class C-3 organization or club license.

(ii) A special Class C-3 license authorizes the holder to sell or provide beer, wine, and liquor only for on-premises consumption by:

1. Nonmembers of the organization or club who have leased an area of the licensed premises for a bona fide entertainment, conference, or social event; and

2. Guests who attend the event.

(iii) The Board shall prescribe the form for the application, and the applicant shall sign it.

(iv) The applicant shall pay the license fee before the Board issues the license.

(v) The annual license fees are as follows for up to:

1. 10 events per year.....\$250;

2. 20 events per year.....\$400;

3. 30 events per year.....\$550;

4. 40 events per year.....\$700; and

5. 60 events per year.....\$850.

(vi) The Board may not issue more than one license to a single miscellaneous organization or club in any license year.

(vii) The total number of days authorized for events held under a license may not exceed 60 in any license year.

(viii) A license holder shall notify the Board of an event in writing on a prescribed form at least 7 days before each event.

(ix) This paragraph does not preclude an organization or club from obtaining a single event special Class C license under other provisions of this section.

(w) (1) This subsection applies only in Wicomico County.

(2) (i) The Board of License Commissioners may issue a special Class C beer, beer and wine, or beer, wine and liquor license.

(ii) A special license entitles the holder to exercise any of the privileges conferred by that class of license at a bona fide entertainment event held by a fire department in the county.

(iii) An applicant for a special license shall sign and submit to the Board of License Commissioners an application in the form that the Board provides.

(iv) The annual fee for a special license is:

1. \$400, for not more than 10 days;
2. \$800, for at least 11 but not more than 20 days;
3. \$1,000, for at least 21 but not more than 30 days; and
4. \$1,100, for at least 31 but not more than 40 days.

(v) The total number of days during which a special license may be used may not exceed 40 in a calendar year.

(vi) A license holder shall notify the Board of License Commissioners in writing at least 7 days before each day when the license is to be used.

(vii) The Board of License Commissioners may issue only one multiple event license to a license holder in a licensed year.

(viii) This subsection does not prevent a fire department from obtaining a single event special Class C license authorized elsewhere under this section.

(3) (i) The Board of License Commissioners may issue a refillable container permit to a holder of any class of alcoholic beverages license issued by the Board except a Class C license, Class D license, Class B–Conference Center license, or Class B–Stadium license.

(ii) Subject to subparagraph (iii) of this paragraph, a refillable container permit entitles the holder to sell draft beer for consumption off the licensed premises in a refillable container with a capacity of not less than 32 ounces and not

more than 128 ounces.

(iii) To be used as a refillable container under subparagraph (ii) of this paragraph, a container shall meet the standards under § 21–107 of this article.

(iv) Before the Board issues a refillable container permit to an applicant:

1. The applicant shall:

A. Complete the form that the Board provides; and

B. Pay an annual permit fee of \$500; and

2. An applicant who holds a license without an off-sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the license that the applicant holds.

(v) The term of the refillable container permit issued to a successful applicant is the same as that of the license that the applicant holds.

(vi) Receipts collected under a refillable container permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under a Class B restaurant license, Class B hotel license, and Class B golf course license.

(vii) The hours of sale for a refillable container permit:

1. Begin at the same time as those for the license already held by the person to whom the refillable container permit is issued; and

2. End at midnight.

(viii) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

(4) The Board of License Commissioners may adopt regulations to carry out this subsection.

(x) (1) This subsection applies only in Prince George's County.

(2) The Board of License Commissioners may issue a special 3-day Class C beer, wine and liquor license to a nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(3) The special license entitles the holder to sell beer, wine, or liquor at the National Harbor.

(4) Beer, wine, and liquor sold under the special license may be consumed

on or off the premises.

(5) The fee for a special license is \$200 per day.

(6) The special license may not be issued to any one organization for:

(i) More than 3 consecutive days in a single calendar year; or

(ii) 2 consecutive years.

(7) (i) A holder of the special license shall purchase beer, wine, or liquor only from a wholesaler licensed in the State.

(ii) A wholesaler licensed in the State may donate alcoholic beverages to the holder of the special license.

§7-102.

(a) This section applies only in Frederick County.

(b) There is a promoter's license.

(c) A for-profit organization shall obtain a promoter's license from the Board of License Commissioners before the organization may help publicize, sell tickets for, organize, operate, produce, or stage an event:

(1) At which alcoholic beverages are sold or served; and

(2) That is conducted in conjunction with an organization that holds a special license issued under § 7-101 of this title.

(d) The Board may adopt regulations establishing requirements for conducting an event described in subsection (c) of this section, including health and safety standards to be met by a holder of a promoter's license.

(e) The fee for a promoter's license is:

(1) \$250, if the promoter expects that fewer than 1,000 individuals will attend;

(2) \$600, if the promoter expects that from 1,001 to 3,000 individuals will attend; and

(3) \$1,000, if the promoter expects that more than 3,000 individuals will attend.

§7.5-101.

(a) In this title the following words have the meanings indicated.

(b) (1) “Common carrier” means a business entity that:

(i) Holds itself out as being available to the public to transport in interstate or foreign commerce for compensation any class of passenger or property; and

(ii) Holds a common carrier permit issued under § 2–101(w) of this article.

(2) “Common carrier” does not include a business entity that transports only property it owns or that is consigned to it.

(c) “Direct wine shipper” means the holder of a direct wine shipper’s permit issued under this title.

(d) “Pomace brandy” means brandy that is distilled from the pulpy residue of the wine press, including the skins, pips, and stalks of grapes.

(e) (1) “Wine” includes pomace brandy.

(2) “Wine” does not include beer, distilled spirits, or any alcoholic beverage other than wine.

§7.5–102.

A person shall be issued a direct wine shipper’s permit by the Office of the Comptroller as a direct wine shipper before the person may engage in shipping wine directly to a consumer in the State.

§7.5–103.

To qualify for a direct wine shipper’s permit, an applicant shall be:

(1) A person licensed outside the State to engage in the manufacture of wine; or

(2) A holder of a Class 3 manufacturer’s license or a Class 4 manufacturer’s license issued under this article.

§7.5–104.

(a) An applicant for a direct wine shipper’s permit shall:

(1) Submit to the Office of the Comptroller a completed application on a form that the Office of the Comptroller provides;

(2) Provide to the Office of the Comptroller a copy of the applicant’s current alcoholic beverages license; and

(3) Pay a fee of \$200 for initial issuance of the direct wine shipper's permit.

(b) The Office of the Comptroller shall issue a direct wine shipper's permit to each applicant who meets the requirements of this title for the direct wine shipper's permit.

§7.5–105.

A direct wine shipper's permit entitles the holder to sell wine manufactured by the holder through a holder of a common carrier permit to a consumer by receiving and filling orders that the consumer transmits by electronic or other means.

§7.5–106.

The term of a direct wine shipper's permit is 1 year and begins on July 1.

§7.5–107.

(a) A direct wine shipper shall:

(1) Ensure that all containers of wine shipped directly to a consumer in the State are conspicuously labeled with:

(i) The name of the direct wine shipper;

(ii) The name and address of the consumer who is the intended recipient; and

(iii) The words "Contains Alcohol: Signature of Person at Least 21 Years of Age Required for Delivery";

(2) Report to the Office of the Comptroller, in a manner determined by the Office of the Comptroller, information about the direct wine shipper's wine shipments;

(3) File a quarterly tax return in accordance with § 5–201(d) of the Tax – General Article;

(4) Pay quarterly to the Office of the Comptroller all sales taxes and excise taxes due on sales to consumers in the State and calculate the taxes as if the sale were made in the State;

(5) Maintain for a period of 3 years complete and accurate records of all information needed to verify compliance with this title;

(6) Allow the Office of the Comptroller to perform an audit of the direct wine shipper's records on request; and

(7) Consent to the jurisdiction of the Office of the Comptroller or other State unit and the State courts concerning enforcement of this section and any related

law.

(b) A direct wine shipper may not:

(1) Ship more than 18 9-liter cases of wine each year to a single delivery address; or

(2) Cause wine to be delivered on Sunday to an address in the State.

§7.5–108.

(a) A direct wine shipper may renew its direct wine shipper's permit each year if the direct wine shipper:

(1) Is otherwise entitled to have a direct wine shipper's permit;

(2) Provides to the Office of the Comptroller a copy of its current permit;
and

(3) Pays to the Office of the Comptroller a renewal fee of \$200.

(b) The Office of the Comptroller may deny a renewal application of a direct wine shipper who fails to:

(1) File a tax return required under this title;

(2) Pay a fee or tax when due; or

(3) After receiving notice, comply with a provision of this article or a regulation that the Office of the Comptroller adopts under this article.

§7.5–109.

(a) To receive a direct shipment of wine, a consumer in the State shall be at least 21 years old.

(b) A person who receives a shipment of wine shall use the shipment for personal consumption only and may not resell it.

§7.5–110.

(a) A person shall be issued a common carrier permit before the person may engage in transporting wine from a direct wine shipper to a consumer.

(b) The term of a common carrier permit is 1 year and begins on July 1.

(c) To complete delivery of a shipment, the common carrier shall require from a consumer at the address listed on the shipping label:

(1) The signature of the consumer or another individual at the address who is at least 21 years old; and

(2) Government-issued photographic identification showing that the signing individual is at least 21 years old.

(d) A common carrier shall refuse delivery when the intended receiving individual appears to be under 21 years of age or refuses to present valid identification.

(e) At the time of initial application for a common carrier permit and on request of the Comptroller, a common carrier shall submit to the Comptroller information concerning the training of its drivers in verifying the age of recipients of direct wine shipments under this title.

(f) At least once each year, in a manner acceptable to the Comptroller, a holder of a common carrier permit shall verify that the shipper of wine into the State under this title holds a valid direct wine shipper's permit.

§7.5-111.

(a) A common carrier shall report quarterly to the Office of the Comptroller:

(1) The date of each delivery of wine in the State; and

(2) The name and address of the direct wine shipper and the receiving consumer of each delivery.

(b) A common carrier shall maintain for a period of 3 years complete and accurate records of all information needed to verify compliance with this title.

§7.5-112.

The Office of the Comptroller may adopt regulations to carry out this title.

§7.5-113.

A person without a direct wine shipper's permit may not ship wine directly to consumers in the State.

§7.5-114.

Each violation of this title is a separate violation.

§8-101.

(a) A municipal corporation may not impose any additional license fees or taxes, other than the usual property tax, upon alcoholic beverages or upon the exercise of the privileges conferred by the licenses issued under the provisions of this article, except as hereinafter provided in this article.

(b) (1) This subsection applies only in the following counties:

- (i) Prince George's County; and
- (ii) Worcester County.

(2) A municipal corporation may require any license holder for any place of business situated in the municipal corporation to pay to that municipal corporation an additional annual license fee not exceeding 20 percent of the fee payable under the provisions of this article.

§8–102.

For Class F and G licenses, the provisions of this article may not be deemed as repealed by any local or general act unless expressly referred to and expressly repealed in terms.

§8–103.

(a) (1) This section applies with respect to draft beer in the following jurisdictions:

- (i) Baltimore County;
- (ii) Carroll County;
- (iii) Charles County;
- (iv) Harford County;
- (v) Howard County;
- (vi) Prince George's County;
- (vii) Queen Anne's County;
- (viii) St. Mary's County; and
- (ix) Washington County.

(2) This section applies with respect to wine in the following jurisdictions:

- (i) Harford County;
- (ii) Howard County; and
- (iii) Montgomery County.

(b) There is a refillable container permit.

(c) With respect to the alcoholic beverages authorized for the local jurisdiction under subsection (a) of this section, a refillable container permit entitles the permit holder to sell draft beer or wine, respectively, for consumption off the licensed premises in a refillable container that meets the standards under § 21–107 of this article.

(d) The term of a refillable container permit is the same as that of the underlying alcoholic beverages license.

(e) Except as otherwise specifically provided, the hours of sale for a refillable container permit are the same as those for the underlying alcoholic beverages license.

(f) An applicant who holds an underlying alcoholic beverages license without an off-sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the underlying license.

(g) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

§8–202.

(a) This section applies only in Anne Arundel County.

(b) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Board of License Commissioners.

(3) “License” means a license for the sale of alcoholic beverages that is issued by the Board.

(c) In the City of Annapolis the Mayor, Counselor, and Aldermen have the power to:

(1) Fix the fees for all licenses authorized to be issued in the city; and

(2) Determine a periodic basis on which payments for the renewal of a license may be made.

(d) (1) There is a special Sunday license.

(2) Notwithstanding any other provision of this article and except for “special licenses” provided for in § 6–501 of this article, a licensee may not sell any alcoholic beverages after 2 a.m. on Sundays except as provided in this section.

(3) Upon application made in the same manner as for new licenses and approved by the Board as provided for by §§ 10–202(d) and 10–208(b) of this article, a licensee shall be issued an additional license known as a “special Sunday license” upon payment of the required fee.

(4) (i) The holder of a “special Sunday license” may sell alcoholic

beverages on Sundays. The licenses shall be of the same kind as the ongoing license and are subject to the same limitations as to hours, restrictions, and other provisions found in licenses issued by the Board. The alcoholic beverages shall contain the same alcoholic content as is found in other alcoholic beverages.

(ii) A “special Sunday license” may not be issued to any person:

1. Who holds a hotel–limited service license under subsection (j) of this section; or

2. Who does not hold an alcoholic beverages license of some other class issued by the Board.

(5) (i) The annual fee for each beer and light wine “special Sunday license” is \$60.

(ii) The annual fee for each beer, wine and liquor “special Sunday license” is \$120.

(6) “Special Sunday licenses” may be renewed in the same manner as other licenses. “Special Sunday licenses” are not “special licenses” under the provisions of § 10–301 of this article.

(7) The granting of a “special Sunday license” in addition to a license of any other class, to the same licensee, shall not be deemed to be in conflict with the provisions of § 9–102 of this article.

(8) If any other license held by the holder of a “special Sunday license” is suspended or revoked, the “special Sunday license” is suspended or revoked by operation of law.

(9) Section 9–203(c) of this article does not prohibit any person who holds any other class of alcoholic beverages license from obtaining a “special Sunday license”.

(10) This subsection does not apply in the sixth district, which is the City of Annapolis.

(11) This section does not apply to beach and amusement park licenses.

(e) (1) There is a racetrack license.

(2) The owner of any regularly licensed racing establishment, whether individual, association of individuals, or a corporation, without further residential, voting or locative qualifications, may procure a license for the sale of any and all alcoholic beverages within the confines of its racing park.

(3) The license fee is \$60 per day to be paid on January 1 for the racing of the preceding year, payable to the Board. It entitles the holder to sell at one or more

locations within its park.

(4) Licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with the provisions of this section.

(5) This subsection does not apply to the sixth district, which is the City of Annapolis.

(f) The Board may permit the sale of any alcoholic beverages permitted by law to be sold in any district other than the sixth, which is the City of Annapolis, on or in any parking lot, picnic grounds, building or terrace which forms an integral part of the licensed premises.

(g) (1) There is an airport concessionaire license.

(2) (i) An individual, association of individuals, or a corporation which is a lessee, sublessee, or a concessionaire at any airport, without further residential, voting or locative qualifications, may obtain an airport concessionaire license for the sale of any and all alcoholic beverages within the airport terminal buildings.

(ii) 1. This subparagraph does not apply to duty free shops.

2. A person who is a lessee, sublessee, or concessionaire at Baltimore-Washington International Thurgood Marshall Airport may hold one airport concessionaire license for multiple locations within the terminal building of Baltimore-Washington International Thurgood Marshall Airport, even if the person already holds one or more alcoholic beverages licenses of any other type issued by the Board.

(iii) 1. The Board may issue a second airport concessionaire license for a leased premises or concessionaire space that is licensed as of March 1, 2004, at Baltimore-Washington International Thurgood Marshall Airport to maintain service during a transition involving different licensees; but

2. The first airport concessionaire license shall expire when the privileges under the second are exercised.

(iv) On receipt of an application for an airport concessionaire license under subparagraph (ii) or (iii) of this paragraph, the Board shall:

1. Give precedence to the application over all other license applications; and

2. Hold a hearing on the application at the Board meeting that immediately follows receipt of the application.

(3) (i) The annual fee for the airport concessionaire license and one

location from which alcoholic beverages may be sold is \$5,000.

(ii) The annual fee for each additional location from which alcoholic beverages may be sold is \$5,000.

(iii) Each fee shall be paid on May 1 to the Board.

(iv) The licensee may sell alcoholic beverages every day from each location within the airport terminal buildings.

(v) The license permits the playing of music and dancing.

(vi) The provisions of subsection (d) of this section relating to special Sunday licenses do not apply to the holder of a license issued under this subsection.

(4) Licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with the provisions of this section.

(h) (1) There is a resort complex license.

(2) "Resort complex" means a recreational area of 10 or more acres with beach facilities and facilities to serve and accommodate 500 or more persons at one time.

(3) The Board may issue a resort complex license covering "on-sales" of beer, wine and liquor to any person, for the sale of any and all alcoholic beverages within the confines of the resort complex. This license shall be issued only to the person, firm, or corporation owning or leasing a resort complex.

(4) (i) The annual license fee is \$1,800.

(ii) It shall be paid on May 1 to the Board and entitles the holder to sell daily at one or more locations within the resort complex.

(iii) The license permits playing of music and dancing.

(iv) The provisions of subsection (d) of this section relating to special Sunday licenses do not apply to the holder of a license issued under this subsection.

(5) The licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with the provisions of this subsection.

(6) This license permits the sale of alcoholic beverages at bars or counters, but not for consumption off the premises.

(7) Licensees may serve alcoholic beverages at one or more outside locations within the resort complex from 8 a.m. to midnight for each outing and from

6 a.m. to 2 a.m. in main, permanent areas.

(i) (1) There is a motel/hotel–restaurant license.

(2) The license covers “on–sales” of beer, wine and liquor to any person, without further residential, voting or locative qualifications being required of the applicant, for the sale of any and all alcoholic beverages within the confines of the motel–restaurant complex or hotel–restaurant complex.

(3) (i) These licenses shall be issued only to the person, firm, or corporation owning or leasing motel–restaurant complexes or hotel–restaurant complexes that have:

1. A capital investment of not less than \$500,000;
2. 100 rooms or more; and
3. An enclosed dining room which serves at least twice daily full–course meals from menus.

(ii) If the food concession is leased to a concessionaire, the concessionaire is exempt from having a capital investment of not less than \$500,000.

(iii) Any motel–restaurant complex or hotel–restaurant complex with 100 or more rooms shall have a motel–restaurant or hotel–restaurant complex license by October 1, 1977.

(4) (i) The annual license fee for each separate establishment is \$3,600.

(ii) The fee shall be paid on May 1 to the Board and entitles the holder to sell alcoholic beverages every day at one or more locations within the hotel–restaurant or motel–restaurant complex.

(iii) The license permits the playing of music and dancing.

(iv) The provisions of subsection (d) of this section relating to special Sunday licenses do not apply to the holder of a license issued under this subsection.

(5) (i) The licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages, not inconsistent with the provisions of this subsection.

(ii) This license permits the sale of alcoholic beverages at bars or counters, but not for consumption off the premises.

(j) (1) (i) There is a beer and wine (hotel–limited service) (on–sale) license.

(ii) There is a beer, wine and liquor (hotel–limited service) (on–sale) license.

(2) The Board may issue a license under paragraph (1)(i) or (ii) of this subsection only to a person who owns or leases a hotel that contains at least 50 rooms and operates a kitchen licensed at least as a food service facility.

(3) A license issued under this subsection entitles the holder to sell alcoholic beverages every day at one or more locations within the hotel.

(4) The annual license fee is:

(i) \$2,400 for a beer and wine (hotel-limited service) license; and

(ii) \$2,800 for a beer, wine and liquor (hotel-limited service) license.

(5) The annual license fee shall be paid on May 1 to the Board.

(k) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Concessionaire" means a lessee, sublessee, or any other operator of an establishment that:

1. Engages in the daily sale of beer, wine, and liquor on its premises for consumption anywhere in an entertainment facility; and

2. Is operated as a concession adjacent to but independent of the entertainment facility.

(iii) "Entertainment facility" means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(2) (i) There is an entertainment facility license.

(ii) The Board may issue an entertainment facility license for an entertainment facility that contains one or more food service facilities, bars, or lounges that are part of the operation of the entertainment facility.

(iii) The entertainment facility license shall be issued to an individual, entity, or subsidiary of an entity that owns an entertainment facility and holds a license under Title 9, Subtitle 1A of the State Government Article.

(iv) An applicant for an entertainment facility license need not meet any location, voting, or residency requirements.

(v) An entertainment facility license authorizes the holder to sell beer, wine, and liquor on any premises of the entertainment facility that is not covered by an entertainment concessionaire license for consumption anywhere in the entertainment facility.

(3) (i) There is an entertainment concessionaire license.

(ii) The Board may issue an entertainment concessionaire license to a concessionaire operating in conjunction with an entertainment facility.

(iii) The entertainment concessionaire license authorizes the holder to sell beer, wine, and liquor on the premises of the concessionaire for consumption anywhere in the entertainment facility.

(4) (i) The annual fee for an entertainment facility license is \$15,000.

(ii) The annual fee for an entertainment concessionaire license is \$5,000.

(iii) The annual license fees shall be paid on May 1 to the Board.

(5) (i) An off-sale privilege is not conferred by an entertainment facility license or an entertainment concessionaire license.

(ii) Beer, wine, and liquor purchased under an entertainment facility license or an entertainment concessionaire license may be taken into and consumed anywhere in an entertainment facility.

(iii) The hours for the sale and consumption of alcoholic beverages under an entertainment facility license or an entertainment concessionaire license are the same as the hours of operation for a video lottery facility established under § 9-1A-23 of the State Government Article.

(6) An entertainment facility license and an entertainment concessionaire license authorize the playing of music and dancing in their respective licensed premises.

(7) Subsection (d) of this section, relating to special Sunday licenses, does not apply to a license issued under this subsection.

(8) An entertainment facility license or an entertainment concessionaire license may not be counted as a Class B or Class H license for purposes of § 9-102(h-1) of this article.

(9) The licenses and holders are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this subsection.

(10) Any penalty or other sanction that is imposed for a violation of a regulation of the Board on the licensed premises of the holder of an entertainment concessionaire license shall apply to the concessionaire that the Board determines to be responsible for the violation.

(l) (1) There is a refillable container permit.

(2) The Board may issue a refillable container permit to a holder of a Class A license, a Class B license, or a Class D license.

(3) Subject to paragraph (4) of this subsection, a refillable container permit entitles the holder to sell draft beer for consumption off the licensed premises in a refillable container with a capacity of not less than 32 ounces and not more than 128 ounces.

(4) To be used as a refillable container under paragraph (3) of this subsection, a container shall meet the standards under § 21–107 of this article.

(5) Before the Board issues a refillable container permit:

(i) The applicant shall:

1. Complete the form that the Board provides; and

2. Pay an annual permit fee of:

A. \$500 for an applicant whose alcoholic beverages license does not have an off–sale privilege; or

B. \$50 for an applicant whose alcoholic beverages license has an off–sale privilege; and

(ii) An applicant who holds a license without an off–sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the license that the applicant holds.

(6) The term of a refillable container permit issued to a successful applicant is the same as that of the license that the applicant holds.

(7) The hours of sale for a refillable container permit:

(i) Begin at the same time as those for the license already held by the person to whom the refillable container permit is issued; and

(ii) End at midnight.

(8) A holder of a renewable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

(9) The Board shall adopt regulations to carry out this subsection.

§8–202.1.

(a) This section applies only in Anne Arundel County.

(b) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Board of License Commissioners of Anne Arundel County.

(3) “Capital investment” means amounts paid for the acquisition of property:

(i) For a useful life greater than 1 year; or

(ii) For a permanent improvement or betterment of the property that has a useful life greater than 1 year.

(4) “Cost of land” includes:

(i) The purchase price, plus taxes and fees incidental to the purchase, including costs related to obtaining appropriate zoning and licensing;

(ii) The cost of site grading, preparation, paving, sidewalks, gutters, curbs, and landscaping; and

(iii) The cost of the construction and installation of all utilities to the exterior of the building shell.

(5) “Cost of the building shell” includes the cost attributable to a structure with a roof, sidewalls, doors, and windows completely enclosed and weatherproofed on a slab or other subflooring.

(c) (1) There is a 7–day Class BLX (deluxe restaurant) (on–sale) beer, wine and liquor license.

(2) A BLX license may be issued only for the use of an establishment that:

(i) Qualifies as a restaurant under the regulations of the Board;

(ii) Has a minimum seating capacity of 100 persons for dining;

(iii) Has a cocktail lounge or bar area seating capacity not exceeding 25% of the seating capacity for dining;

(iv) Has parking facilities to accommodate a minimum of 75 vehicles;
and

(v) Has a minimum capital investment by the applicant of \$800,000, exclusive of the cost of the land and buildings.

(d) (1) If an applicant for a BLX license purchases an existing building, the capital investment attributable to the cost of the building shell shall be based on the fair market value of the structures for which the cost of the building shell was incurred, determined at the time of purchase.

(2) The capital investment, excluding land and building shell, shall also be evaluated at the fair market value at the time of purchase.

(3) If the premises are leased, the rent paid for the land shall be considered a cost of land and any rent paid for a building shall be considered a cost of a building shell.

(e) A BLX license may not be issued for use in an establishment that is a fast-food style restaurant.

(f) The annual license fee is \$1,200.

(g) (1) A licensee may hold not more than 10 licenses of any class in accordance with this section.

(2) Of the licenses held by a licensee:

(i) Not more than four licenses may be ones in which the licensee holds a direct interest; and

(ii) The remaining licenses shall be ones in which the licensee holds an indirect interest, as evidenced by any of the following relationships involving the licensee and another licensee or the licensee and an applicant for a license:

1. A common parent company;
2. A franchise agreement;
3. A licensing agreement;
4. A concession agreement;
5. Membership by the licensee and the other person in a chain of businesses commonly owned and operated and so portrayed to the public;
6. Sharing of directors or stockholders or sharing of directors or stockholders of parent companies or subsidiaries;
7. Common direct or indirect sharing of profit from the sale of alcoholic beverages; or
8. Sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public, except hotels and motels.

(h) (1) Except as provided in paragraph (2) of this subsection, a license that was issued on or before June 30, 2006, and in which a licensee holds a direct interest or an indirect interest:

(i) Shall be counted against the maximum number of 10 licenses that the licensee may hold under this section; but

(ii) Is exempt from subsections (i) through (l) of this section.

(2) A Class H license that was issued in the period beginning on March 14, 2005, and ending on December 1, 2005, may not be counted against the maximum number of 10 licenses that the licensee may hold under this section.

(i) A person may be issued one Class B license, Class H license, or Class BLX alcoholic beverages license for a restaurant located anywhere in the county.

(j) A licensee may be issued a second license if:

(1) The licensee holds a Class B license that has a restriction prohibiting off-sales, a Class H license, or a Class BLX license;

(2) The license sought is a Class H license or a Class BLX license; and

(3) The restaurant for which the license is sought is located in:

(i) The Glen Burnie Urban Renewal Area;

(ii) The Parole Town Center Growth Management Area;

(iii) The Odenton Town Center Growth Management Area;

(iv) The Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by Anne Arundel County in accordance with § 6–301(f)(8) of the Economic Development Article;

(v) A shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 General Commercial by the zoning article of the Anne Arundel County Code;

(vi) The Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Maryland Route 32 on the east to the Prince George’s County–Anne Arundel County line on the west;

(vii) A community revitalization zone with a designation in the series “A” through “P”, inclusive, as shown on the map adopted by the Anne Arundel County Council by Bill 97–01;

(viii) The Severn Commercial District, consisting of properties designated as “commercial zoning” by the comprehensive rezoning maps adopted by the Anne Arundel County Council and located on that portion of Maryland Route 174 west of Maryland Route 100 and east of the railroad right-of-way owned by the National Railroad Passenger Corporation (Parcel 117, Anne Arundel County Tax Map 29);

(ix) The Edgewater/Mayo Commercial District, consisting of those properties that are designated “commercial zoning districts” on the comprehensive rezoning maps adopted by the Anne Arundel County Council for the Edgewater/Mayo

Small Area Planning District;

(x) The Pasadena Commercial District, consisting of those properties that are designated “commercial zoning areas”, including Lake Shore Crossing, Lake Shore Plaza, and the Mountain Marketplace Shopping Center on the comprehensive zoning maps adopted by the Anne Arundel County Council for the Pasadena Small Area Planning District; or

(xi) The area in Pasadena known as the Brumwell Property.

(k) A licensee may be issued a third license if:

(1) The license sought is a Class BLX license; and

(2) The restaurant for which the license is sought is located in:

(i) The Glen Burnie Urban Renewal Area;

(ii) The Parole Town Center Growth Management Area;

(iii) The Odenton Town Center Growth Management Area;

(iv) The Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by Anne Arundel County in accordance with § 6–301(f)(8) of the Economic Development Article;

(v) A shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 General Commercial by the zoning article of the Anne Arundel County Code;

(vi) The Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Maryland Route 32 on the east to the Prince George’s County–Anne Arundel County line on the west;

(vii) A community revitalization zone with a designation in the series “A” through “P”, inclusive, as shown on the map adopted by the Anne Arundel County Council by Bill 97–01;

(viii) The Severn Commercial District, consisting of properties designated as “commercial zoning” by the comprehensive rezoning maps adopted by the Anne Arundel County Council and located on that portion of Maryland Route 174 west of Maryland Route 100 and east of the railroad right-of-way owned by the National Railroad Passenger Corporation (Parcel 117, Anne Arundel County Tax Map 29);

(ix) The Edgewater/Mayo Commercial District, consisting of those properties that are designated “commercial zoning districts” on the comprehensive rezoning maps adopted by the Anne Arundel County Council for the Edgewater/Mayo

Small Area Planning District;

(x) The Pasadena Commercial District, consisting of those properties that are designated “commercial zoning areas”, including Lake Shore Crossing, Lake Shore Plaza, and the Mountain Marketplace Shopping Center on the comprehensive zoning maps adopted by the Anne Arundel County Council for the Pasadena Small Area Planning District; or

(xi) The area in Pasadena known as the Brumwell Property.

(l) (1) A licensee may be issued a fourth license if the license sought is a Class BLX license.

(2) The restaurant for which the license is sought may be located anywhere in the county.

(m) (1) A licensee may be issued a fifth license if the license sought is a Class BLX license.

(2) The restaurant for which the fifth license is sought may be located anywhere in the county.

(n) (1) A licensee may be issued a sixth, seventh, eighth, ninth, or tenth license if the license sought is a Class BLX license.

(2) The restaurant for which the license is sought may be located anywhere in the county.

(o) The hours and days that a licensee may exercise the privileges of sale under a BLX license are the same as those for a Class B (on-sale) beer, wine and liquor license in Anne Arundel County.

(p) (1) This subsection does not apply to a transfer of licensees for the same premises or a renewal of a BLX license.

(2) A BLX license may not be transferred from the location site of its first issuance.

(q) The Board shall adopt regulations to carry out this section.

§8-202.2.

(a) This section applies only in the City of Annapolis.

(b) There is a refillable container license.

(c) The Alcoholic Beverage Control Board may issue a refillable container license to a holder of a Class A license, a Class B license, or a Class D license.

(d) (1) Subject to paragraph (2) of this subsection, a refillable container permit entitles the permit holder to sell draft beer for consumption off the licensed premises in a refillable container with a capacity of not less than 32 ounces and not more than 128 ounces.

(2) To be used as a refillable container under paragraph (1) of this subsection, a container shall meet the standards under § 21–107 of this article.

(e) Before the Alcoholic Beverage Control Board issues a refillable container license:

(1) The applicant shall:

(i) Complete the form that the Alcoholic Beverage Control Board provides; and

(ii) Pay an annual license fee of:

1. \$500 for an applicant whose alcoholic beverages license does not have an off–sale privilege; and

2. \$50 for an applicant whose alcoholic beverages license has an off–sale privilege; and

(2) An applicant that holds a license without an off–sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the license that the applicant holds.

(f) The term of a refillable container license issued to a successful applicant is the same as that of the license that the applicant holds.

(g) The hours of sale for a refillable container license:

(1) Begin at the same time as those for the license already held by the person to whom the refillable container license is issued; and

(2) End at midnight.

(h) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

(i) The Alcoholic Beverage Control Board shall adopt regulations to carry out this section.

§8–203.

(a) The provisions of this section only apply in Baltimore City.

(b) In this section, “Board” means the Board of License Commissioners of

Baltimore City.

(c) (1) (i) There is a special amusement license.

(ii) The Board may issue a license to the holders of Class D beer, wine and liquor licenses who regularly specialize in the entertainment of their patrons by providing approved types of amusement such as singing, dancing, music (other than recorded music or radio programs), floor shows, acrobatic acts, theatricals or moving pictures.

(iii) Licensees may sell all alcoholic beverages at the hours provided.

(iv) The provisions of § 12–302 of this article do not apply to these licenses.

(v) A person under the age of 18 may not be employed in these establishments for the sale of alcoholic beverages.

(2) The procedure in issuing such licenses shall be prescribed by rule or regulation of the Board and shall conform as near as practicable to the procedure prescribed in § 10–202 of this article. The Board shall determine if the license is reasonably necessary for the convenience of the public.

(3) The Board may not authorize the issuance of a Class B beer, wine and liquor license for any establishment where patrons are entertained as above set forth unless the Board shall find that the establishment is a restaurant as defined in this article.

(4) Licenses issued under the authority of this subsection are subject to all the provisions of this article relating to licenses in Baltimore City to the extent that the provisions are not inconsistent with this section.

(5) All licenses shall be issued by the Clerk of the Circuit Court for Baltimore City upon certification by the Board.

(6) The annual license fee is \$750. This is in addition to the regular annual fee paid for Class D beer, wine and liquor licenses.

(d) (1) There is a Class B–D–7 license.

(2) The Board may issue an additional beer, wine and liquor license.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, licensees may sell all alcoholic beverages at retail at the place in the license described, for consumption on the premises and elsewhere, from 6 a.m. to 2 a.m. on the following day, 7 days per week.

(ii) In the Park Heights Redevelopment Area that is specified in the

Park Heights Master Plan adopted in 2006, the hours of sale begin at 9 a.m. each day.

(4) All restaurant licensees having a valid Class B beer, wine and liquor license and all licensees having a valid Class D beer, wine and liquor license with the special amusement license may exchange their present license for a Class B–D–7 license. All special restrictions imposed on the particular Class B or Class D license with special amusement license being exchanged shall remain in effect and apply to the new license until changed by the license commissioners.

(5) A Class B–D–7, beer, wine and liquor license other than as provided in paragraph (4) of this subsection may not be issued until June 1, 1967, at which time the procedure in issuing such licenses other than as set forth in paragraph (4) of this subsection shall be prescribed by regulation of the Board and shall conform as near as practicable to the procedure prescribed in § 10–202 of this article. A license may not be issued by the Board unless the license, in the judgment of the Board, is reasonably necessary for the convenience of the public. In determining what is reasonably necessary for the convenience of the public, the Board shall consider the number of beer, wine and liquor outlets in any given area and the number of days such outlets are open rather than the nature of the beer, wine and liquor licensed outlets.

(6) Licenses issued under the authority of this section are subject to all the provisions of this article relating to licenses in Baltimore City to the extent that those provisions are not inconsistent with this section.

(7) All such licenses shall be issued by the Board of Liquor License Commissioners upon certification of the Board. The annual license fee is \$1,320.

(8) The Board shall adopt regulations to determine the manner of operation of an establishment that is operated under a Class B–D–7 beer, wine and liquor license.

(9) (i) On or before April 22, 1996, the holder of an expiring Class B–D–7 beer, wine and liquor license shall file with the Board a declaration of intent in conjunction with filing an application for license renewal.

(ii) The declaration of intent shall request the Board to:

1. Renew the expiring license effective May 1, 1996 as a Class B–D–7 beer, wine and liquor license pursuant to this section and any regulations adopted by the Board; or

2. Renew the expiring license effective May 1, 1996 as a Class A–2 beer, wine and liquor off–sale package goods license pursuant to § 6–102 of this article.

(iii) A Class A–2 beer, wine and liquor off–sale license substituted under this section may not be converted or substituted for any other class of alcoholic beverages license, including a reversion to a Class B–D–7 beer, wine and liquor license.

(iv) A substitute license provided for under this subsection may not be granted after May 1, 1996.

(e) (1) There is a refillable container permit.

(2) The Board may issue a refillable container permit to a holder of any class of alcoholic beverages license issued by the Board except a Class C license or a Class M–G license.

(3) Subject to paragraph (4) of this subsection, a refillable container permit entitles the holder to sell draft beer for consumption off the licensed premises in a refillable container with a capacity of not less than 32 ounces and not more than 128 ounces.

(4) To be used as a refillable container under paragraph (3) of this subsection, a container shall meet the standards under § 21–107 of this article.

(5) Before the Board issues a refillable container permit to an applicant:

(i) The applicant shall:

1. Complete the form that the Board provides; and

2. Pay an annual permit fee of:

A. \$500 for an applicant whose alcoholic beverages license does not have an off–sale privilege; or

B. \$50 for an applicant whose alcoholic beverages license has an off–sale privilege; and

(ii) An applicant who holds a license without an off–sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the license that the applicant holds.

(6) The term of a refillable container permit issued to a successful applicant is the same as that of the license that the applicant holds.

(7) Receipts collected under a refillable container permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under § 1–102(a)(22)(i)3 of this article.

(8) The hours of sale for a refillable container permit:

(i) Begin at the same time as those for the license already held by the person to whom the refillable container permit is issued; and

(ii) End at midnight.

(9) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

(10) The Board shall adopt regulations to carry out this subsection.

§8–204.

(a) This section applies only in Baltimore County.

(b) For the purpose of determining the amount of capital investment under subsection (c) of this section:

(1) The following terms have the meanings indicated:

(i) “Capital investment” means amounts paid for the acquisition of property:

1. For a useful life greater than one year; or

2. For a permanent improvement or betterment of the property that has a useful life greater than one year;

(ii) “Cost of land” includes:

1. The purchase price, plus taxes, and fees incidental to the purchase, including costs related to obtaining appropriate zoning and licensing; and

2. The costs of site grading, preparation, paving, sidewalks, gutters, curbs, and landscaping; and

3. The cost of the construction and installation of all utilities to the exterior of the building shell; and

(iii) “Cost of the building shell” includes cost attributable to a structure with a roof, sidewalls, doors, and windows completely enclosed and weatherproofed on a slab or other subflooring;

(2) If the applicant purchases an existing building, the capital investment attributable to the cost of the building shell as defined in this subsection shall be based on the fair market value of the structures for which the cost of the building shell was incurred, determined at the time of purchase. The capital investment in other than land or building shells shall also be evaluated at the fair market value at the time of purchase; and

(3) If the premises are leased, the rent paid for the land shall be considered a cost of land and any rent paid for a building shall be considered a cost of a building shell.

(c) There is a 7-day Class BDR (deluxe restaurant) (on-sale) beer, wine and

liquor license. This license may only be issued for the use of restaurants that:

(1) Meet the definition requirements of “restaurant” established under the regulations of the Board of License Commissioners;

(2) Have a minimum seating capacity of 150 persons for dining;

(3) Have a cocktail lounge or bar area seating capacity not exceeding 25 percent of the seating capacity for dining;

(4) Have parking facilities to accommodate a minimum of 75 vehicles; and

(5) Have a minimum capital investment of \$800,000 by the applicant exclusive of the cost of the land and buildings.

(d) This license may not be issued for use in an establishment that is a fast food style restaurant.

(e) The annual license fee is \$2,000.

(f) (1) This license may not be transferred from the location site of its first issuance.

(2) The provisions of this subsection do not affect a transfer of holders for the same premises or a renewal of the license.

(g) This license is exempt from all quota provisions provided for under the regulations of the Board of License Commissioners.

(h) The hours and days that a holder may exercise the privileges of sale under this license are the same as a Class B (on-sale) beer, wine and liquor license in Baltimore County.

(i) The Board of License Commissioners shall adopt regulations necessary for the issuance of this license.

(j) (1) The maximum number of these licenses available for issuance is 18.

(2) A maximum of 4 of these licenses may be issued in any election district.

(3) A license may not be issued under this section after July 1, 1995.

(k) This license may be issued in addition to any other alcoholic beverages license that the applicant holds.

(l) An individual or corporation is limited to a maximum of 3 alcoholic beverages licenses including Class BDR (deluxe restaurant) (on-sale) licenses.

§8–204.1.

(a) There is a special theater license.

(b) In this section, “Board” means the Baltimore County Board of License Commissioners.

(c) The Board may issue a special theater (on-sale) beer, wine and liquor license for use in a theater if the theater:

(1) Is housed within a building;

(2) Has a capacity to hold a minimum of 1,500 permanently installed seats;
and

(3) Regularly presents live entertainment.

(d) Notwithstanding any other provision of this article to the contrary, a holder is authorized to sell beer, wine and liquor at retail for on-premises consumption:

(1) For 2 hours before the entertainment begins;

(2) During the entertainment; and

(3) For 1 hour after the entertainment.

(e) The annual license fee is \$2,000.

(f) A special theater (on-sale) beer, wine and liquor license may not be transferred to a location other than the location of original issuance.

(g) The population requirements of the rules and regulations of the Board do not apply to a license issued under this section.

§8–204.2.

(a) Notwithstanding the license population quota limitations, the Baltimore County Board of License Commissioners may issue 10 Class B (SB) restaurant-service bar beer, wine and liquor (on-sale) licenses in the “Pikesville Revitalization Area” or “Pikesville Town Center” in Baltimore County for conversion purposes only, as provided under subsection (c) of this section.

(b) The requirements for issuance qualifications, fee, and days and hours of sales under a Class B (SB) restaurant-service bar beer, wine and liquor (on-sale) license are the same as provided in this article for a Class B beer, wine and liquor (on-sale) hotel and restaurant license in Baltimore County with the following additional requirements:

(1) (i) The licenses may be issued only to locations within the “Pikesville Revitalization Area”, as defined by the Baltimore County Office of Planning and Zoning

on or before July 1, 1988; or

(ii) The licenses may be issued only to locations within the “Pikesville Town Center”, as defined by the Baltimore County Office of Planning and Zoning on or before July 1, 1988;

(2) The license shall be used in conjunction with the operation of a “restaurant” as defined by the rules of the Baltimore County Board of License Commissioners;

(3) The license shall allow on-premises sales only;

(4) The license shall be restricted to restaurants that have table service, specifically excluding any type of service while standing or where the customer accepts delivery of the purchased food items other than while seated at a table;

(5) The proposed location must otherwise comply with the zoning ordinances of Baltimore County;

(6) The license, once issued, may not be:

(i) Transferred outside of the “Pikesville Revitalization Area” or “Pikesville Town Center”; or

(ii) Converted to any other class of license; and

(7) The license may not be issued for use on premises or a location that has been licensed under any class of on-sale alcoholic beverages license within 2 years before the application for the Class B (SB) license is filed.

(c) (1) Except for Class C licenses, 10 of any class beer, wine and liquor (on-sale) retail licenses in existence at any location in Baltimore County on January 1, 1988 may be transferred into the “Pikesville Revitalization Area” or the “Pikesville Town Center” in Baltimore County and converted into Class B (SB) licenses.

(2) Upon transfer, the transferred license may not be considered as a license in the district from which it was transferred.

§8–204.3.

(a) This section applies only in Baltimore County.

(b) (1) Notwithstanding the license population quota limitations of the Board of Liquor License Commissioners and in addition to the licenses authorized for issuance in Baltimore County, the Board of Liquor License Commissioners may authorize the transfer into the Towson Commercial Revitalization District, as defined by the Baltimore County Council, of not more than 10 beer, wine and liquor (on-sale) licenses that:

(i) Were issued on or before December 31, 2008;

(ii) Are in existence in Election District 15 of Baltimore County on June 1, 2009; and

(iii) Are valid on the date of transfer.

(2) To be transferred under this section, a license:

(i) Shall be a Class B or a Class D license; and

(ii) May not be a license that is prohibited from being transferred by statute or regulation.

(3) A license transferred under this section shall be considered by the Board of Liquor License Commissioners as a regular license and not an exception license for determining the total number of licenses available in any election district based on the rule of the Board of Liquor License Commissioners that limits the total number of licenses available by population.

(4) On the date of transfer, a license transferred under this section shall be converted into a Class B (B, W, L) (TCRD) license and may not be construed to exist in the election district from where it was transferred.

(c) Except as provided in subsection (d) of this section, the license issuance requirements, license fee, the minimum square foot area requirement for food and beverage preparation and consumption, and days and hours of sale for a Class B (B, W, L) (TCRD) (on-sale) license are the same as those for a Class B beer, wine and liquor (on-sale) hotel and restaurant license.

(d) (1) The Class B (B, W, L) (TCRD) licenses may be issued only for a location within the Towson Commercial Revitalization District, as defined by the Baltimore County Council.

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and in the regulations of the Board of Liquor License Commissioners.

(3) The restaurant operation shall maintain average daily receipts from the sale of food at least 60% of the total daily receipts of the restaurant.

(4) The seating capacity for the bar area may not exceed 25% of the total seating capacity of the restaurant.

(5) Except as provided in subsection (e)(2)(iii) of this section, the area dedicated to the restaurant operation shall have a minimum seating capacity of 100 persons.

(6) The hours during which the privileges conferred by the license may be exercised may not exceed the hours during which food is offered for sale.

(7) The license may not confer an off-sale privilege.

(e) Of the restaurants for which a Class B or Class D license may be transferred and a Class B (B, W, L) (TCRD) may be issued under subsection (b)(1) of this section, the Board of Liquor License Commissioners may require that:

(1) For not more than seven restaurants, applicants for license transfer and issuance demonstrate a minimum capital investment, excluding the costs of the land and building shell, of \$500,000; and

(2) For not more than three restaurants:

(i) Applicants for license transfer and issuance demonstrate a capital investment, excluding the costs of the land and building shell, of not less than \$50,000 or more than \$400,000; and

(ii) The area dedicated to the restaurant operation have:

1. A maximum seating capacity of 100 persons, with the seating capacity in the bar area not exceeding 25% of the total seating capacity of the restaurant; and

2. A minimum seating capacity of 40 persons.

(f) The Board of Liquor License Commissioners shall deny an application for transfer of a Class B or Class D license and issuance of a Class B (B, W, L) (TCRD) license if within 2 years immediately preceding the application:

(1) (i) The applicant was a holder of an on-sale license issued under this article within the boundaries of the Towson Commercial Revitalization District; or

(ii) There was an on-sale license in existence for the proposed premises of the applicant; and

(2) The previous on-sale license was transferred to premises outside of the Towson Commercial Revitalization District.

(g) A Class B (B, W, L) (TCRD) license issued under this section may not be transferred from the Towson Commercial Revitalization District or be converted into any other class of license.

§8-204.4.

(a) This section applies only in Baltimore County.

(b) (1) Notwithstanding the license population quota limitations and in

addition to the licenses authorized for issuance under this article, the Board of License Commissioners may authorize the transfer of two beer, wine and liquor (on-sale) retail licenses in existence in election district 15 on July 1, 2004, and valid on the date of transfer into the "Hunt Valley Commercial/Mixed Use Focal Point" as designated in the Hunt Valley/Timonium Master Plan, adopted by the Baltimore County Council on October 19, 1998.

(2) A license transferred under this section:

(i) May not be a Class A or C license or a license that is prohibited from being transferred by law or local regulation other than crossing district lines;

(ii) Shall be considered a regular license and not an exception license for purposes of determining the total number of licenses available in any election district based on the rule of the Board of License Commissioners that limits the total number of licenses available by population;

(iii) Shall be converted into a Class B (HV) license; and

(iv) As of the date of transfer, may not be construed to exist in district 15.

(c) Subject to the provisions of subsection (d) of this section, the restrictions and qualifications for the issuance and fee of the Class B (HV) restaurant (on-sale) beer, wine and liquor retail license under this section, the minimum square foot area requirement for food and beverage preparation and consumption in the licensed establishment, and the days and hours of sale for the licensed establishment shall be the same as the restrictions and qualifications provided for in this article and in the regulations of the Board of License Commissioners for a Class B beer, wine and liquor (on-sale) hotel and restaurant license.

(d) The following additional requirements apply to the Class B (HV) restaurant (on-sale) beer, wine and liquor retail license established by this section:

(1) The license may be issued only for a location within the "Hunt Valley Commercial/Mixed Use Focal Point" as designated in the Hunt Valley/Timonium Master Plan, adopted by the Baltimore County Council on October 19, 1998;

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and the regulations of the Board of License Commissioners;

(3) The restaurant operation shall maintain average daily receipts from the sale of the food of at least 60% of the total daily receipts of the establishment;

(4) The total seating capacity for the area dedicated primarily for the purpose of the consumption of alcoholic beverages may not exceed 25% of the total seating capacity of the establishment; and

(5) Subject to the provisions of subsection (h) of this section, the hours during which the privileges conferred by the license may be exercised may not exceed the hours for which food is offered for sale.

(e) The license authorizes on-premises sales only.

(f) The proposed premises shall comply with all applicable zoning regulations.

(g) (1) Once issued, the license may not be:

(i) Transferred to a new location other than the original location for which the license was issued; or

(ii) Converted into any other class of license.

(2) Paragraph (1) of this subsection does not prohibit the transfer of ownership of the license.

(h) Alcoholic beverages may be sold in the establishment only until 1:30 a.m.

(i) The Board of License Commissioners may not issue more than a total of 3 beer, wine and liquor licenses in the Hunt Valley Commercial/Mixed Use Focal Point under the exceptions in Rule 19 of the Rules and Regulations of the Baltimore County Board of License Commissioners.

§8-204.5.

(a) This section applies only in Baltimore County.

(b) (1) Notwithstanding the license population quota limitations and in addition to the licenses authorized for issuance under this article, the Board of License Commissioners may authorize the transfer of the number of Class B and Class D beer, wine and liquor (on-sale) retail licenses, in existence in election district 15 on January 15, 2005, and valid on the date of transfer, in accordance with the following schedule:

(i) Two to the Quarry at Greenspring, to be known as (QG) licenses, on or after April 1, 2005, located at lots 1 through 9, inclusive, identified on the plat of Greenspring Quarry, areas F, G, and K, dated December 21, 2004, and delivered to Baltimore County for recording on December 29, 2004;

(ii) Three to the area of State-owned land adjacent to and abutting the Owings Mills Metro Station, governed by a master development agreement creating the Metro Center at Owings Mills, to be known as (MCOM) licenses, on or after October 1, 2005; and

(iii) Three to the Promenade at Catonsville, to be known as (PC) licenses, on or after April 1, 2006, located at and identified by the State Department of Assessments and Taxation map 101, parcels 132, 516, 1088, 1344, 1804, and 1985.

(2) A license transferred from election district 15 under this section:

(i) May not be a Class A or C license or a license that is prohibited from being transferred by law or local regulation other than the prohibition against crossing district lines;

(ii) Shall be considered a regular license in its new location and not an exception license for purposes of determining the total number of licenses available in any election district based on the rule of the Board of License Commissioners that limits the total number of licenses available by population;

(iii) Shall be converted into a Class B (QG), (MCOM), or (PC) license;
and

(iv) As of the date of transfer, may not be construed to exist in district 15.

(c) Subject to the provisions of subsection (d) of this section, the restrictions and qualifications for the issuance and renewal of a Class B (QG), (MCOM), or (PC) restaurant (on-sale) beer, wine and liquor retail license under this section, the minimum square foot area requirement for food and beverage preparation and consumption in the licensed establishment and the days and hours of sale for the licensed establishment shall be the same as those restrictions and qualifications provided for in this article and in the regulations of the Board of License Commissioners for a Class B beer, wine and liquor (on-sale) hotel and restaurant license.

(d) The following additional requirements apply to a Class B (QG), (MCOM), or (PC) restaurant (on-sale) beer, wine and liquor retail license established by this section:

(1) The license may be issued only for a location within the geographic areas identified in subsection (b)(1) of this section;

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and the regulations of the Board of License Commissioners;

(3) The restaurant operation shall maintain average daily receipts from the sale of the food of at least 60% of the total daily receipts of the establishment;

(4) The total seating capacity for the area dedicated primarily for the purpose of the consumption of alcoholic beverages may not exceed 25% of the total seating capacity of the establishment; and

(5) Subject to the provisions of subsection (h) of this section, the hours during which the privileges conferred by the license may be exercised may not exceed the hours for which food is offered for sale.

- (e) The license authorizes on-premises sales only.
- (f) The proposed premises shall comply with all applicable zoning regulations.
- (g) (1) Once issued, a license under this section may not be:
 - (i) Transferred to a new location outside the geographic area, as defined in subsection (b)(1) of this section, for which it was originally issued; or
 - (ii) Converted into any other class of license.
- (2) Paragraph (1) of this subsection does not prohibit the transfer of:
 - (i) The ownership of a license; or
 - (ii) The location of a licensed establishment within the geographic area as defined in subsection (b)(1) of this section.
- (h) Alcoholic beverages may be sold in the establishment only until 1:30 a.m.

§8–204.6.

- (a) This section applies only in Baltimore County.
- (b) The Board of License Commissioners may accept an application for an alcoholic beverages license from:
 - (1) A contract purchaser of a property that becomes the owner of record of the premises to be licensed before the license is issued;
 - (2) An owner of a premises that is proposed to be licensed; or
 - (3) A developer of a property with the consent and authority of the owner of the property.
- (c) An application filed under this section need not contain a specific street address or description of the premises to be licensed other than a general description of the site on which the premises will be built, including a property map number, parcel number, property tax identification number, or plat number.
- (d) If the Board of License Commissioners approves the application, the applicant may apply to transfer the license to an operator of the type of business for which the license was approved if:
 - (1) The license is for a location in the site for which the license was approved; and
 - (2) The application for transfer occurs within 3 years after the original application for the site is approved or construction at the location is completed,

whichever is later.

(e) Unless otherwise prohibited by law, the Board of License Commissioners may approve a change of location of a license issued under this section if the licensee has engaged in an active alcoholic beverages business under the license for at least 1 year before applying for the change.

§8–204.7.

(a) This section applies only in Baltimore County.

(b) The Board of Liquor License Commissioners may not authorize the transfer of more than a total of 25 Class B or Class D licenses in existence on May 1, 2012, out of election district 15.

§8–204.8.

(a) This section applies only in Baltimore County.

(b) (1) Subject to § 8–204.7 of this subtitle and paragraph (2) of this subsection, from May 1, 2012, to April 30, 2017, both inclusive, the Board of Liquor License Commissioners may authorize the transfer of a Class B or Class D license in existence in election district 15 on May 1, 2012, to an election district in which the number of licenses in existence, on the date of approval of the transfer, is not greater than 25% more than the number of licenses that would otherwise exist in that election district, based on the rule of the Board of Liquor License Commissioners that limits the total number of licenses available in an election district by population.

(2) Not more than two licenses may be transferred under this subsection into any single election district each year from May 1, 2012, to April 30, 2017, both inclusive.

(c) (1) In accordance with this subsection, the Board of Liquor License Commissioners shall:

(i) Approve the transfer of Class B or Class D licenses from election district 15 to any other election district in the County; or

(ii) Issue new Class B Service Bar (SB) licenses under subsection (d) of this section.

(2) On or before April 30, 2013, the Board shall:

(i) Approve the transfer of five Class B or Class D licenses under subsection (b) of this section or § 8–204.3 or § 8–204.5 of this subtitle; or

(ii) If five licenses are not transferred, issue new Class B Service Bar (SB) licenses so that the number of licenses transferred or issued since May 1, 2012,

totals five.

(3) On or before April 30, 2014, the Board shall:

(i) Approve the transfer of Class B or Class D licenses under subsection (b) of this section or § 8–204.3 or § 8–204.5 of this subtitle so that the cumulative number of licenses transferred or issued since May 1, 2012, totals at least 10; or

(ii) If the number of licenses transferred under item (i) of this paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the cumulative number of licenses transferred or issued since May 1, 2012, equals 10.

(4) On or before April 30, 2015, the Board shall:

(i) Approve the transfer of Class B or Class D licenses under subsection (b) of this section or § 8–204.3 or § 8–204.5 of this subtitle so that the cumulative number of licenses transferred or issued since May 1, 2012, totals at least 15; or

(ii) If the number of licenses transferred under item (i) of this paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the cumulative number of licenses transferred or issued since May 1, 2012, equals 15.

(5) On or before April 30, 2016, the Board shall:

(i) Approve the transfer of Class B or Class D licenses under subsection (b) of this section or § 8–204.3 or § 8–204.5 of this subtitle so that the cumulative number of licenses transferred or issued since May 1, 2012, totals at least 20; or

(ii) If the number of licenses transferred under item (i) of this paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the cumulative number of licenses transferred or issued since May 1, 2012, equals 20.

(6) On or before April 30, 2017, the Board shall:

(i) Approve the transfer of Class B or Class D licenses under subsection (b) of this section or § 8–204.3 or § 8–204.5 of this subtitle so that the cumulative number of licenses issued or transferred since May 1, 2012, totals at least 25; or

(ii) If the number of licenses transferred under item (i) of this paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the cumulative number of licenses issued or transferred since May 1, 2012, equals 25.

(7) In any year, if the Board approves the transfer of more Class B or Class D licenses than are needed to meet the minimum total required for that year, the excess

will be counted against the minimum total required for the next year.

(8) The date a license is transferred under this subsection is the date of final, nonappealable approval of the application for a new license or for license transfer by the Board.

(d) (1) A Class B Service Bar (SB) beer and wine license may be issued only in compliance with this subsection.

(2) A Class B Service Bar (SB) license may be used only in the operation of a restaurant, as defined by the Board of Liquor License Commissioners and this article, that maintains average daily receipts from the sale of food of at least 60% of the total daily receipts of the establishment.

(3) A Class B Service Bar (SB) license shall allow on-premises sales of beer and wine only.

(4) A Class B Service Bar (SB) license allows alcoholic beverages to be served to patrons only as part of a meal.

(5) (i) A Class B Service Bar (SB) license shall be restricted to restaurants that have table service.

(ii) A Class B Service Bar (SB) license does not allow service to a customer who is standing or accepting delivery of purchased food or beverage items other than while seated at a table.

(6) (i) Except as provided in subparagraph (ii) of this paragraph, the proposed location of the restaurant for which a Class B Service Bar (SB) license is sought shall comply with the zoning ordinances of Baltimore County, including allowing seating for not fewer than 30 customers and not more than 100 customers.

(ii) The license may not be used in conjunction with the viewing of televised sporting events or the use of live bands, disc jockeys, karaoke, or any other form of live entertainment.

(7) A Class B or D license transferred under subsection (b) of this section or a Class B Service Bar (SB) license issued under this subsection may not thereafter be transferred from the licensed premises or converted to another class of license.

(8) Not more than one Class B Service Bar (SB) license may be issued in any one election district per year.

(9) A Class B Service Bar (SB) license may not be issued for use on premises or a location for which any on-sale license has been issued within 2 years before the application for the Class B Service Bar (SB) license is filed.

(10) Any person, including an individual or sole proprietorship,

partnership, corporation, unincorporated association, and limited liability company, may not have a direct or indirect interest as defined in § 9–102(b–3B) of this article in more than one Class B Service Bar (SB) license.

(e) The annual fee for a Class B Service Bar (SB) beer and wine license issued under this section is \$5,000.

(f) (1) When a license is transferred from election district 15 to another election district under this section, the license may not be construed to exist in election district 15.

(2) Subject to the 25% allowance authorized in subsection (b) of this section, a license transferred under this section shall be considered by the Board of Liquor License Commissioners as a regular license and not an exception license for determining the total number of licenses available in any election district based on the rule of the Board of Liquor License Commissioners that limits the total number of licenses available by population.

§8–204.9.

(a) This section applies only in Baltimore County.

(b) The Board of Liquor License Commissioners:

(1) Shall convert a Class D license that is transferred from election district 15 to any other election district to a Class B license; and

(2) May not thereafter transfer the Class B license from the licensed premises or convert the license to another class of license.

(c) The Board of Liquor License Commissioners may not transfer from a licensed premises or convert a license to another class of license:

(1) A new license issued by the Board based on an increase in population under the rule of the Board limiting the total number of licenses available by population; and

(2) A license that has been revoked and reissued by the Board.

§8–204.10.

(a) This section applies only in Baltimore County.

(b) In this section, “Board” means the Board of License Commissioners.

(c) There is a refillable container permit.

(d) The Board may issue a refillable container permit to a holder of a Class A license, a Class B license, or a Class D license.

(e) (1) Before the Board issues a refillable container permit, the applicant shall complete the form that the Board provides.

(2) The Board may charge an annual permit fee of up to:

(i) \$500 for an applicant who holds an underlying alcoholic beverages license without an off-sale privilege; or

(ii) \$50 for an applicant who holds an underlying alcoholic beverages license with an off-sale privilege.

(f) The hours of sale for a refillable container permit:

(1) Begin at the same time as those for the underlying alcoholic beverages license; and

(2) End at midnight.

(g) The Board shall adopt regulations to carry out this section.

§8-205.

(a) This section applies only in Calvert County.

(b) In this section, "Board" means the Board of License Commissioners.

(c) (1) There is a refillable container permit.

(2) The Board may issue a refillable container permit to a holder of a Class A license, a Class B license, or a Class D license.

(3) Subject to paragraph (4) of this subsection, a refillable container permit entitles the permit holder to sell draft beer for consumption off the licensed premises in a refillable container with a capacity of not less than 32 ounces and not more than 128 ounces.

(4) To be used as a refillable container under paragraph (3) of this subsection, a container shall:

(i) Be sealable;

(ii) Be branded with an identifying mark of the permit holder who sells the container;

(iii) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(iv) Display instructions for cleaning the container; and

(v) Bear a label stating that:

- and
1. Cleaning the container is the responsibility of the consumer;
 2. The contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.

(5) Before the Board issues a refillable container permit:

(i) The applicant shall:

1. Complete the form that the Board provides; and
2. Pay an annual permit fee of:
 - A. \$500 for an applicant whose alcoholic beverages license does not have an off-sale privilege; or
 - B. \$50 for an applicant whose alcoholic beverages license has an off-sale privilege; and

(ii) An applicant who holds a license without an off-sale privilege shall meet the same advertising, posting-of-notice, and public hearing requirements as those for the license that the applicant holds.

(6) The term of a refillable container permit issued to a successful applicant is the same as that of the license that the applicant holds.

(7) The hours of sale for a refillable container permit:

- (i) Begin at the same time as those for the license already held by the person to whom the refillable container permit is issued; and
- (ii) End at midnight.

(8) A permit holder may refill only a refillable container that was branded by a permit holder.

(9) The Board shall adopt regulations to carry out this section.

§8-205.1.

(a) This section applies only in Calvert County.

(b) There is a special event (festival) beer, wine and liquor (on-sale) permit in Calvert County.

(c) (1) Subject to paragraph (2) of this subsection, the Board of License

Commissioners may issue the permit to a license holder of a Class B or Class D license.

(2) Before the Board of License Commissioners issues the permit, the applicant shall:

(i) Demonstrate a reasonable expectation of attracting at least 750 patrons to the special event; and

(ii) Commit to provide any additional security personnel required to be present at the event for traffic, parking, and patrol purposes.

(d) Subject to the discretion of the Board of License Commissioners, the permit authorizes the holder to operate additional bars or service counters for the sale and service of alcoholic beverages inside or outside the licensed establishment for at least 1 day and not more than 3 consecutive days.

(e) The fee for the permit is \$100.

(f) The Board of License Commissioners may adopt regulations to implement this section.

§8–207.

(a) This section applies only in Carroll County.

(b) In this section, “Board” means the Board of License Commissioners.

(c) There is a refillable container permit.

(d) The Board may issue a refillable container permit to a holder of a Class A license, a Class B license, or a Class D license.

(e) Before the Board issues a refillable container permit, the applicant shall:

(1) Complete the form that the Board provides; and

(2) Pay an annual permit fee of:

(i) \$500 for an applicant who holds an underlying alcoholic beverages license without an off-sale privilege; or

(ii) \$50 for an applicant who holds an underlying alcoholic beverages license with an off-sale privilege.

(f) The hours of sale for a refillable container permit:

(1) Begin at the same time as those for the underlying alcoholic beverages license; and

(2) End at midnight.

§8-208.

(a) (1) In Cecil County, the Board of License Commissioners may issue a 7-day beer, wine and liquor on-sale license to a club or organization.

(2) To qualify, the club or organization:

(i) Shall own real property in the county; and

(ii) 1. If a yacht club, the club shall have a minimum of 150 members of which 50 members own yachts, boats, or other vessels; or

2. If a local veterans' organization or a local fraternal or sororal organization, the organization shall be associated with a national organization.

(3) The license authorizes the holder to sell beer, wine and liquor for on-premises consumption only.

(4) (i) The annual fee for a profit club or organization is \$2,000; and

(ii) The annual fee for a nonprofit club or organization is \$500.

(b) The Board of License Commissioners may not issue in the aggregate a number of alcoholic beverages licenses under the provisions of this subtitle which exceeds more than one to every 400 registered voters in Cecil County, or major fraction thereof, as determined by the current registration of voters. However, any Class C club licenses issued therein, the licenses provided for in subsection (i) of this section, or licenses provided for under § 8-501.1 of this article may not be counted in the computation of the aggregate number of alcoholic beverages licenses. The quota shall be computed and applied separately for each of the several election districts of Cecil County.

(c) Any licensee in the county may apply at any time to the Board of License Commissioners for the issuance of any class or type of license other than the license then being held. The Board shall publish notice of the application in one newspaper of general circulation in the county on each of two successive weeks. Thereafter the Board shall hold a public hearing on the date fixed in the notice. The Board may approve the application in its discretion, but in approving the application, the Board shall consider the general reputation and character of the applicant, the manner of his conducting and operating the business presently being licensed and the public necessity for the license for which application is made. The Board, before approving any application, shall require an inspection of the premises for which the application is made and shall require the premises to comply with all of the rules and regulations of the Board applicable thereto. In all respects, other than as provided herein, the application shall be subject to the requirements of the provisions of this article applicable in the county. The fee for the issuance of any license under this subsection shall be as follows: For a

change from one class of beer license to any other class of beer license, from any class of beer and wine license to any other class of beer and wine license or from any class of beer, wine and liquor license to any other class of beer, wine and liquor license, the fee for the transfer is \$1,000; for a change from any class of either beer license or beer and wine license to the same class of beer, wine and liquor license or from one class of beer license to any other class of beer and wine license, the fee for the transfer is \$2,000; and for a change from any class of either beer license or beer and wine license to any other class of beer, wine and liquor license, the fee for the transfer is \$3,000. All of the above transfer fees shall be in addition to the regular fee provided in this article for the license applied for. The fee for issuance of any new license after July 1, 1972 shall be, in addition to the regular yearly fee provided for in this article, for any class of beer license: \$1,000; for any class of beer and wine license: \$2,000; and for any class of beer, wine and liquor license: \$3,000.

(d) Nothing in this section shall be construed to require the forfeiture or revocation of any alcoholic beverages license issued and outstanding on June 1, 1951. In any election district in which the quota is exceeded as of that date, the total number of licenses shall be reduced from time to time only by the voluntary relinquishment of licenses by the licensees, or by the workings of other provisions of this article; and no new license shall be issued in any election district unless such issue may be made without exceeding the quota as established hereinabove in this section.

(e) No alcoholic beverage license issued in Cecil County shall, by virtue of its issuance to any person or persons, thereby vest in such person or persons any property right whatever in and to such license.

(f) Notwithstanding the provisions of this section the holder of any license issued for premises substantially destroyed by fire, explosion, or catastrophe, or taken by condemnation or by the exercise of the power of eminent domain, may transfer the license to other premises within the same election district, with the approval of the Board of License Commissioners. In the event the holder of any premises destroyed as provided above shall not request transfer of the license within six (6) months from date of loss as above provided, the license shall expire and shall be available to issue to an applicant therefor.

(g) In granting any new license of any class, including any beer, wine and liquor license, not in excess of the number of licenses permitted by this section in any election district, the Board of License Commissioners shall not give any special preference, it being the intent of this section that persons holding any class of beer or beer and wine license shall receive the same consideration as any other applicant for any class of beer, wine and liquor license.

(h) Any premises in Cecil County to which a license has been issued shall be open for at least 30 continuous days during the period of one year, and sales of alcoholic beverages shall be made during this 30-day period or the license shall be revoked. Upon a showing of grounds of hardship on the part of the licensee prior to the time of revocation the Board may in its discretion allow the licensee an additional period of

not to exceed one year before the license is revoked.

(i) In Cecil County the Board of License Commissioners may approve the issue of an additional license, to be known as a motel-restaurant complex or hotel-restaurant complex license, covering “on-sales” of beer, wine and liquor to any person. The fee for any such license shall be fifteen hundred dollars (\$1,500.00) annually. Such licenses shall be issued only to the person, firm, or corporation owning or leasing motel-restaurant complexes or hotel-restaurant complexes that have a capital investment of not less than \$1,000,000 in the buildings excluding the land and an enclosed dining room which serves full-course meals from menus at least twice daily. The license holder shall be responsible for full compliance with all applicable statutes, ordinances and regulations, notwithstanding any lease or contractual provisions to the contrary.

§8–209.

(a) This section applies only in Charles County.

(b) In this section, “Board” means the Charles County Board of License Commissioners.

(c) There is a refillable container permit.

(d) The Board may issue a refillable container permit to a holder of a Class A, Class B, or Class D alcoholic beverages license.

(e) Before the Board issues a refillable container permit, the applicant shall:

(1) Complete the form that the Board provides; and

(2) Pay an annual permit fee of:

(i) \$500 for an applicant whose alcoholic beverages license does not have an off–sale privilege; or

(ii) \$50 for an applicant whose alcoholic beverages license has an off–sale privilege.

(f) The hours of sale for a refillable container permit:

(1) Begin at the same time as those for the license already held by the person to whom the refillable container permit is issued; and

(2) End at midnight.

(g) The Board may adopt regulations to carry out this section.

§8–210.

(a) In this section, “Board” means the Board of License Commissioners of Dorchester County.

(b) This section applies only in Dorchester County.

(c) There is a refillable container permit.

(d) The Board may issue a refillable container permit to a holder of an alcoholic beverages license that is a:

(1) Class B beer license;

(2) Class B beer and light wine license;

(3) Class B beer, wine and liquor license;

(4) Class D beer license;

(5) Class D beer and light wine license; or

(6) Class D beer, wine and liquor license.

(e) Subject to subsection (f) of this section, a refillable container permit entitles the holder to sell draft beer for consumption off the premises in a refillable container with a capacity of not less than 32 ounces and not more than 128 ounces.

(f) In areas of the licensed premises that are accessible to the public, a holder of a refillable container permit may not display or provide shelving for beer for consumption off the premises.

(g) To be used as a refillable container, a container shall meet the standards under § 21–107 of this article.

(h) Before the Board issues a refillable container permit, the applicant shall:

(1) Complete the form that the Board provides; and

(2) Pay an annual permit fee of:

(i) \$500 for an applicant whose alcoholic beverages license does not have an off–sale privilege; or

(ii) \$50 for an applicant whose alcoholic beverages license has an off–sale privilege.

(i) An applicant for a refillable container permit that holds an alcoholic beverage license without an off–sale privilege shall meet the same advertising, posting

of notice, and public hearing requirements as those for the alcoholic beverages license that the applicant holds.

(j) The term of a refillable container permit issued to a successful applicant is the same as that of the alcoholic beverages license that the applicant holds.

(k) The hours of sale for a refillable container permit:

(1) Begin at the same time as those for the alcoholic beverages license already held by the person to whom the refillable container license is issued; and

(2) End at midnight.

(l) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

(m) The Board may adopt regulations to carry out this section, including limiting the number of refillable container permits that may be issued in the County.

§8–211.

(a) The provisions of this section apply only in Frederick County.

(b) (1) This subsection does not apply to a Class 8 farm brewery license issued under § 2–209 of this article.

(2) A license for the sale of alcoholic beverages authorized by this article may not be issued for any place of business located in any of the following election districts:

(i) Catoctin (6th);

(ii) Hauvers (10th);

(iii) Jackson (16th);

(iv) Linganore (19th); and

(v) Except as provided in paragraph (3) of this subsection, Ballenger (23rd).

(3) Licenses that may be issued for an establishment in the Ballenger election district are:

(i) A Class 7 micro–brewery license under § 2–208 of this article;

(ii) A Class B–CC license under § 6–201(l)(8) of this article;

(iii) A Class B license under § 6–201(l)(9) of this article; or

(iv) A Class MEC license under § 6–201(l)(10) of this article.

(c) (1) Except as provided in paragraph (2) of this subsection, Class A, B, and C licenses for the sale of beer only, as authorized by this article, shall be issued for places of business located in any of the following election districts:

- (i) Jefferson (14th);
- (ii) Johnsville (17th); and
- (iii) Burkittsville (22nd).

(2) The Board of License Commissioners may issue a Class B–CI (country inn) on–sale beer, wine and liquor license for the use of an establishment that meets the requirements of § 6–201(l)(7)(i) of this article in the Burkittsville (22nd) election district.

(d) Class A, B, and C licenses for the sale of beer and light wine and A, B, and C licenses for the sale of beer, wine and liquor, as authorized by this article, shall be issued for places of business located in any of the following election districts:

- (1) Buckeystown (1st);
- (2) Frederick (2nd);
- (3) Creagerstown (4th);
- (4) Emmitsburg (5th);
- (5) Urbana (7th);
- (6) Liberty (8th);
- (7) New Market (9th);
- (8) Woodsboro (11th);
- (9) Petersville (12th);
- (10) Mt. Pleasant (13th);
- (11) Thurmont (15th);
- (12) Woodville (18th);
- (13) Lewistown (20th);
- (14) Tuscarora (21st);

- (15) Braddock (24th);
- (16) Brunswick (25th); and
- (17) Walkersville (26th).

(d-1) (1) The Board of License Commissioners may issue within the municipal boundaries of the municipal corporation of Middletown:

- (i) Class A, B, or C beer licenses;
- (ii) Class B beer, wine and liquor (on-sale) licenses if the licensed premises derive at least 70% of its monthly gross revenue from the sale of food; or
- (iii) Middletown Wine Festival licenses.

(2) In all other areas of the Middletown (3rd) election district, the Board of License Commissioners may only issue:

- (i) Class A, B, or C beer licenses; or
- (ii) Middletown Wine Festival licenses.

(e) Class C licenses for the sale of beer, wine and liquor, as authorized by this article, shall be issued for places of business located in the 3rd election district.

(f) (1) Notwithstanding any other provisions of this section, wine may be sold as provided under a winery license, a limited winery license, or a Class A light wine license in any election district.

(2) A holder of a limited winery license may provide tables and chairs on the premises of the licensed facility for the sale, by the glass, of wine and pomace brandy made at the facility to a person who participates in a guided tour of the facility or attends a scheduled promotional event or other organized activity at the licensed premises.

(g) (1) The restrictions in this section and in § 7-101(g) of this article do not apply to licenses issued pursuant to this subsection.

(2) The following entities may obtain a license for the sale of beer, wine and liquor:

- (i) Middletown Volunteer Fire Company;
- (ii) Wolfsville Volunteer Fire Company;
- (iii) Jefferson Volunteer Fire Company; and
- (iv) Myersville Volunteer Fire Company.

(3) All net proceeds from the sale of alcoholic beverages for the entities listed in paragraph (2) of this subsection shall be used solely to purchase fire and rescue equipment, for operating expenses, and for constructing and maintaining the buildings which house the emergency equipment.

(g-1) (1) The restrictions in this section and in § 7-101(g) of this article do not apply to licenses issued under this subsection.

(2) The Board of License Commissioners may issue a license for the sale of beer, wine, and liquor for consumption on the premises only to an organization located in the county that is a bona fide:

- (i) Religious organization;
- (ii) Fraternal organization;
- (iii) Civic organization;
- (iv) War veterans' organization; or
- (v) Patriotic organization.

(3) All net proceeds from the sale of alcoholic beverages by an organization licensed under paragraph (2) of this subsection shall be used solely for charitable purposes or otherwise to further the purposes of the organization.

(h) (1) Notwithstanding the restrictions in this section and in § 7-101(g) of this article, the Board of License Commissioners may issue a one-day special beer, wine, and liquor license to St. Katharine Drexel Roman Catholic Congregation, Inc.

(2) All net proceeds from the sale of alcoholic beverages for St. Katharine Drexel Roman Catholic Congregation, Inc., under paragraph (1) of this subsection shall be used to fund building construction or for charitable purposes.

(i) (1) Notwithstanding the restrictions in this section and in § 7-101(g) of this article, the Board of License Commissioners may issue a one-day special Class C beer and light wine license and a one-day special Class C beer, wine and liquor license to Holy Family Catholic Community.

(2) All net proceeds from the sale of alcoholic beverages for Holy Family Catholic Community under paragraph (1) of this subsection shall be used to fund building construction or for charitable purposes.

(j) Notwithstanding the restrictions in this section and in § 7-101(g) of this article, the Board of License Commissioners may issue Class C (golf and country club) licenses for places of business in the 16th election district.

§8–211.1.

(a) The Frederick County Board of License Commissioners may issue a stadium on-sale license to the owner of any professional baseball team franchise, whether the franchise is a partnership, corporation, or limited liability company.

(b) The stadium on-sale license authorizes the holder to sell beer and light wine at the stadium in which the baseball team plays its home games only under the following circumstances:

- (1) In plastic, styrofoam, or paper containers on the stadium premises;
- (2) For consumption on the licensed premises;
- (3) To persons present at any event held in the stadium; and
- (4) From the time the stadium opens for the event until the event ends.

(c) The annual fee for the stadium on-sale license is \$2,000.

(d) Except for a manufacturer or distributor of beer who is conducting business with the licensee for purposes of this section, the licensee may not permit any person to:

- (1) Carry any alcoholic beverages onto the licensed premises; or
- (2) Carry any alcoholic beverages from the licensed premises.

§8–212.

(a) This section applies only in Garrett County.

(b) (1) To sell draft beer, any establishment regularly licensed to sell beer shall obtain a special license from the Board of License Commissioners and the fee for the license is \$75. The issuing fee for new licenses, in addition to the annual fee, is \$75.

(2) (i) To sell draft beer, a licensee who holds a Class B–resort license shall obtain a special license from the Board of License Commissioners.

(ii) The annual license fees are:

1. Two facilities, \$150; and
2. Each additional facility, \$75.

(iii) The Board of License Commissioners shall charge an issuing fee for new licenses in an amount equal to the annual license fee.

(c) (1) There is a refillable container permit.

(2) The Board of License Commissioners may issue a refillable container permit to a draft beer license holder who also holds any alcoholic beverages license issued by the Board except a Class C license or a Class A license.

(3) Subject to paragraph (4) of this subsection, a refillable container permit entitles the holder to sell draft beer for consumption off the licensed premises in a refillable container with a capacity of not less than 32 ounces and not more than 128 ounces.

(4) To be used as a refillable container, a container shall meet the standards under § 21-107 of this article.

(5) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21-107 of this article.

(6) The Board of License Commissioners may adopt regulations to carry out this subsection.

(d) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$5,000 or to imprisonment for not more than 1 year or both.

§8-213.

Nothing contained in this article as to Harford County shall apply to or affect Class F licenses issued under this article, with respect to sales of beer, wine and liquor or other alcoholic beverages on passenger trains, while said trains are in transit through this county.

§8-213.1.

(a) This section applies only in Harford County.

(b) There is a stadium on-sale license in Harford County.

(c) (1) The Liquor Control Board may issue a stadium alcoholic beverages license for a stadium owned by the City of Aberdeen covering on-premises sale of beer, wine, and liquor to the owner, lessee, or concession manager of a professional baseball stadium for use on the licensed premises.

(2) For the purpose of this section:

(i) “Concession manager” means a single individual or single entity contractually obligated to provide and supervise comprehensive management of all food and beverage sales by concessionaires on the licensed premises; and

(ii) “Licensed premises” includes the stadium facility and stadium parking lots.

(d) (1) Subject to the provisions of paragraph (2) of this subsection, a stadium alcoholic beverages license authorizes the holder to sell beer, wine, and liquor on the licensed premises:

(i) For consumption only on the licensed premises; and

(ii) During the hours and days for sale specified in § 11-513 of this article.

(2) The sale, serving, or consumption of alcoholic beverages on the parking lots of the stadium may be allowed only with the prior written approval of the Liquor Control Board.

(e) The following limitations shall apply:

(1) All individuals serving beer, wine, or liquor shall hold valid certificates from an alcohol awareness program approved by the Liquor Control Board;

(2) During a baseball game, liquor may only be served on the club level or dining area in which patrons are seated;

(3) During a baseball game, alcoholic beverages must be served in a plastic, styrofoam, or paper container, except that a glass container may be used on the club level or dining area in which patrons are seated; and

(4) (i) Except on the club level or dining area in which patrons are seated, all beer and wine dispensed during a baseball game shall be dispensed only from a stationary structure, located within the stadium, equipped with a motor vehicle driver's license scanner; and

(ii) No roving vendors shall be allowed to dispense beer, wine, or liquor.

(f) The annual license fee is \$10,000.

(g) Except for a wholesaler of beer, wine, or liquor who is conducting business with the licensee under this section, a licensee may not allow a person to carry alcoholic beverages onto or from the licensed premises.

§8-213.2.

(a) This section applies only in Harford County.

(b) There is a Class CCFA (continuing care facility for the aged) beer, wine and liquor license in Harford County.

(c) The Liquor Control Board may issue a Class CCFA license to a continuing care facility for the aged that:

(1) Provides continuing care as defined in § 10–401 of the Human Services Article;

(2) Is licensed as a related institution under Title 19, Subtitle 3 of the Health – General Article;

(3) Is certified by the Department of Aging;

(4) Is exempt from federal income tax under § 501(c)(3) of the Internal Revenue Code; and

(5) Is located in Harford County.

(d) A Class CCFA license authorizes the holder to sell beer, wine, and liquor on the licensed premises:

(1) For consumption only on the licensed premises; and

(2) During the hours and days for sale specified in § 11–513(b)(1) of this article.

(e) The distance restrictions in § 9–213(b) of this article do not apply to the holder of a Class CCFA license.

(f) The annual license fee is \$5,000.

§8–213.3.

(a) This section applies only in Harford County.

(b) There is a refillable container permit.

(c) The Board may issue a refillable container permit to a holder of a Class A–1 or A–2 license, a Class B license that has off–sale privileges, or a Class D license.

(d) The annual permit fee is \$50.

§8–214.

(a) There is a Class BLX (luxury restaurant) (on-sale) beer, wine and liquor license in Howard County. This license may only be issued for the use of a restaurant:

(1) In which there is a minimum capital investment of \$750,000 for restaurant facilities, exclusive of the cost of land and buildings;

(2) The construction of which commenced on or after July 1, 1992; and

(3) That has a minimum seating capacity of 125 persons.

(b) Notwithstanding any provision of § 9-102(a) of this article, a Class BLX (luxury restaurant) (on-sale) beer, wine and liquor license may be issued to an applicant that already holds a valid Class B (on-sale) beer, wine and liquor license or a valid Class BLX (luxury restaurant) (on-sale) beer, wine and liquor license.

(c) A Class BLX (luxury restaurant) (on-sale) beer, wine and liquor license may be issued to an applicant that does not hold any other liquor license.

(d) The annual fee for a Class BLX (luxury restaurant) (on-sale) beer, wine and liquor license is \$2,000.00.

§8–215.

(a) In this section, “Board” means the Kent County Board of License Commissioners.

(b) There is a special theater (on-sale) beer, wine and liquor license in Kent County.

(c) The Board may issue a special theater (on-sale) beer, wine and liquor license for use in a theater if the theater:

(1) Is housed within a building;

(2) Has a capacity to hold a minimum of 150 permanently installed seats;

and

(3) Regularly presents live entertainment.

(d) Notwithstanding any other provision of this article, a holder may sell beer, wine, and liquor at retail for on-premises consumption:

(1) For 2 hours before the entertainment begins;

(2) During the entertainment; and

(3) For 1 hour after the entertainment ends.

(e) The annual license fee is \$500.

(f) A special theater (on-sale) beer, wine and liquor license may not be transferred to a location other than the location of original issuance.

§8–216.

(a) (1) In this subsection “place of business” does not include:

(i) A country club; or

(ii) A restaurant located within the country inn zone of Montgomery County where alcoholic beverages are sold for consumption on the premises only; provided that a maximum of 2 (two) such alcoholic beverages licenses may be issued in any election district identified in paragraph (2) of this subsection.

(2) (i) Except as provided in subparagraphs (ii), (iii), (iv), (v), and (vi) of this paragraph and in subsections (d), (e), and (f) of this section, in Montgomery County, a license for the sale of alcoholic beverages authorized by this article may not be issued for any place of business located in Damascus (12th election district), and in the towns of Barnesville, Kensington, Laytonsville, Washington Grove and the City of Takoma Park.

(ii) In the town of Barnesville, the Montgomery County Board of License Commissioners may issue a special 7-day on-sale beer, wine and liquor license to any bona fide religious, fraternal, civic, or charitable organization.

(iii) In the town of Kensington, the Montgomery County Board of License Commissioners may issue a special 2-day on-sale beer and wine license or a special 2-day on-sale beer, wine and liquor license to any bona fide religious, fraternal, civic, or charitable organization holding an event on municipal property located at 3710 Mitchell Street, Kensington, Maryland.

(iv) 1. In the town of Kensington, the Montgomery County Board of License Commissioners may issue a special B-K beer and wine license or a special B-K beer, wine and liquor license for use on the premises of a restaurant located in the following commercial areas:

A. The west side of Connecticut Avenue between Knowles Avenue and Perry Avenue;

B. The east side of Connecticut Avenue between Knowles Avenue and Dupont Street and between University Boulevard and Perry Avenue;

C. The west side of University Boulevard West;

D. Dupont Avenue, west of Connecticut Avenue;

E. Plyers Mill Road, west of Metropolitan Avenue;

F. Summit Avenue between Knowles Avenue and Howard Avenue;

G. Detrick Avenue between Knowles Avenue and Howard Avenue;

H. The southwest side of Metropolitan Avenue between North Kensington Parkway and Plyers Mill Road;

- I. East Howard Avenue;
- J. Armory Avenue between Howard Avenue and Knowles Avenue;
- K. Montgomery Avenue between Howard Avenue and Kensington Parkway;
- L. Kensington Parkway and Frederick Avenue, from Montgomery Avenue to Silver Creek; or
- M. The east side of Connecticut Avenue between Warner Street and Knowles Avenue.

2. A special B–K beer, wine and liquor license or a special B–K beer and wine license authorizes the holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

3. A licensee shall maintain average daily receipts from the sale of food, not including carryout food, of at least 50% of the overall average daily receipts.

4. In addition to the restrictions in subsubparagraphs 2 and 3 of this subparagraph, the holder of a special B–K beer and wine license or a special B–K beer, wine and liquor license in the commercial areas specified in subsubparagraph 1I, J, K, L, and M of this subparagraph may not serve alcoholic beverages after 11 p.m.

(v) 1. In the town of Kensington, the Montgomery County Board of License Commissioners may issue:

A. Not more than three Class A (off–sale) beer and light wine licenses for use in the commercial areas specified in subparagraph (iv)1 of this paragraph; and

B. Subject to subsubparagraphs 5 and 6 of this subparagraph, not more than three beer and wine sampling or tasting (BWST) licenses for holding tastings or samplings of beer and wine.

2. A Class A beer and light wine license authorizes the holder to keep for sale and sell beer or light wine for consumption off the premises 7 days a week, from 10 a.m. to 8 p.m. daily.

3. A holder of a Class A beer and light wine license may not:

A. Sell single bottles or cans of beer;

B. Sell refrigerated products; or

C. On a side, door, or window of the building of the licensed premises, place a sign or other display that advertises alcoholic beverages in a publicly visible location.

4. The annual license fee is \$250.

5. The Montgomery County Board of License Commissioners may issue a beer and wine sampling or tasting (BWST) license established under § 8–408.4 of this title to a holder of a Class A license under this subparagraph for holding tastings or samplings of beer and wine.

6. A beer and wine sampling or tasting (BWST) license issued under this subparagraph is subject to the fee, serving limits, and other license requirements established under § 8–408.4 of this title.

(vi) In Damascus (12th election district), the Montgomery County Board of License Commissioners may issue a special 7–day Class C on–sale beer, wine and liquor license to any bona fide volunteer fire department.

(3) This subsection does not prohibit the issuance of an on–sale license for the sale of beer only during daylight hours only for any restaurant or snack bar or similar facility located upon land owned by the Montgomery County Revenue Authority and operated by the Revenue Authority or others in connection with the operation by the Revenue Authority of a public golf course.

(4) This subsection does not prohibit the issuance of an on–sale license for the sale of beer and wine for any restaurant located upon land owned by the Montgomery County Revenue Authority and operated by the Revenue Authority or others in connection with the operation of an airport.

(5) The City of Takoma Park is excepted from the provisions of paragraph (2) of this subsection.

(6) The town of Laytonsville is excepted from the provisions of paragraph (2) of this subsection.

(7) Damascus (12th election district) is excepted from the provisions of paragraph (2) of this subsection.

(b) (1) The Commissioners of Poolesville may, in their discretion, from time to time, submit to the legal and qualified voters of Poolesville the question or questions whether or not the sale of all or any class of alcoholic beverages or the issuance of any class, or classes or for the sale of such class or classes of alcoholic beverages shall be prohibited within the corporate limits of said town.

(2) The Commissioners may submit any such question or questions to the voters at any regular election or at a special election called for that purpose. Submission of any question at one election shall not prevent the submission of the same or other

questions at subsequent elections.

(3) If a majority of the votes cast on any such question favor permitting sales of all or any classes of alcoholic beverages or issuance of any class or classes of license, the sale of alcoholic beverages of such class or classes and the issuance of licenses of such class or classes in said town shall, after such election, either continue as theretofore if such sales or licenses were permitted in the town at the time of such election, or be permitted in accordance with the State law authorizing such sales or licenses if theretofore prohibited in the town.

(4) If a majority of the votes cast on any such question favor prohibiting sales of all or any class of alcoholic beverages or issuance of any class or classes of licenses, then no licenses of such class or classes or for the sale of such class or classes of alcoholic beverages within the corporate limits of said town shall thereafter be issued, renewed or extended, but licenses theretofore issued shall continue in force until the date of expiration in accordance with their terms but shall not be renewed or extended.

(c) In Montgomery County it is unlawful for any person, corporation, club or organization to sell, give, serve, dispense, keep or allow to be consumed on his or its premises or on premises under his or its possession or control any alcoholic beverages other than as specifically permitted or provided in this article if these premises constitute a restaurant, tavern, hotel, club, place of public entertainment, or premises open to the public or on premises in any way licensed in any manner by the State of Maryland or Montgomery County. It is unlawful for any person to keep or consume any alcoholic beverage on any premises open to the public other than as specifically permitted or provided in this article. This subsection does not apply in a room of a registered guest in a hotel if the hotel meets the minimum requirements as set forth in § 6-201(q) of this article.

(d) (1) The Montgomery County Board of License Commissioners may issue, renew, and transfer and otherwise provide for the following classes of alcoholic beverages licenses in the City of Takoma Park:

(i) Class B (on- and off-sale) beer and light wine, hotel and restaurant licenses;

(ii) Class H (on-sale) beer and light wine, hotel and restaurant licenses;

(iii) Class B (on-sale) beer, wine and liquor, hotel and restaurant licenses;

(iv) Class H (on-sale) beer license;

(v) Class D (on- and off-sale) beer and light wine license;

(vi) Class A-TP (off-sale) beer, wine and liquor license;

(vii) Class C (on-sale) beer, wine and liquor license;

(viii) Beer and wine sampling or tasting (BWST) licenses issued under § 8-408.4 of this title; and

(ix) Class BD-BWL license issued under § 6-201(q)(7) of this article.

(2) (i) The provisions of this paragraph apply only to Class -TP type licenses.

(ii) The Prince George's County Board of License Commissioners shall certify a list to the Montgomery County Board of License Commissioners of the alcoholic beverages licenses as of June 30, 1997, in that portion of the City of Takoma Park that became part of Montgomery County on July 1, 1997.

(iii) On July 1, 1997, the Montgomery County Board shall issue Class -TP type licenses to those licensees who were certified by the Prince George's County Board. License fees may not be charged until May 1, 1998.

(iv) Unless revoked or not renewed for good cause, the certified licenses shall continue in existence and be renewed, subject to payment of the annual license fee.

(v) The Class -TP type licenses are not transferable to other locations but are transferable to other persons, subject to the restrictions on similar transfers for other alcoholic beverages licenses in Montgomery County.

(vi) Class -TP licenses are subject to the same conditions and restrictions specified by law or by the Montgomery County Board of License Commissioners as are other licenses issued by the Board. However, the Board may waive whatever statutory and regulatory provisions it so chooses for the affected licenses so that equity, fairness, and reasonableness are achieved.

(vii) The Montgomery County Department of Health and Human Services may not charge an annual fee to the Class -TP licensees until January 1, 1998.

(3) (i) Notwithstanding that Class -TP licensees as of July 1, 1997 are subject to Montgomery County laws and regulations, those same licensees may retain the particular Prince George's County alcoholic beverages license they possessed prior to unification.

(ii) The Prince George's County license shall remain valid in every sense except that it does not apply to the licensed premises to which the Class -TP license applies, but is an open-location license. The Prince George's County licensee may transfer, to another person or to a new location with the same licensee, the license into Prince George's County without statutory or regulatory restriction.

(iii) While the Class –TP licensee remains in the same location where it was located on July 1, 1997, another license issued by Prince George’s County may not be granted or transferred to another Prince George’s licensee if the premises for which that license was issued is located within 300 feet of the premises licensed under the Class –TP license.

(e) The Board of License Commissioners may issue, renew, and transfer and otherwise provide a maximum of 2 Class B (on–sale) beer, wine, and liquor licenses for use in the town of Laytonsville provided that alcoholic beverages served by a licensee may only be consumed by patrons while patrons are seated.

(f) The Montgomery County Board of License Commissioners may issue, renew, and transfer and otherwise provide Class H (on–sale) beer and light wine, hotel, and restaurant licenses for use in Damascus (12th election district) provided that:

(1) A license may not be issued to any restaurant in which pool tables, billiard tables, shuffleboards, dart boards, video games, pinball machines, or recreational devices are used; and

(2) Alcoholic beverages served by a licensee may be consumed by a patron only while the patron is seated.

§8–216.1.

(a) There is a special theater license.

(b) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Montgomery County Board of License Commissioners.

(3) “Movie theater” means a building designed or used primarily for the exhibition of motion pictures to the general public.

(4) (i) “Performing arts theater” means those areas, buildings, or structures designed and used for plays, acts, dramas, or histrionics by actors or actresses performing on a stage.

(ii) “Performing arts theater” does not include either the showing or exhibition of motion pictures or a building or amphitheater that is part of a sports complex regularly used by minors.

(c) The Board may issue a special theater (on-sale) beer and wine license for use on the premises of:

(1) A performing arts theater; or

(2) A movie theater operated by a bona fide nonprofit organization.

(d) Notwithstanding any other provision of this article to the contrary, a holder of a special theater license is authorized to sell beer and wine at retail for on-premises consumption when snacks are served:

- (1) 1 hour before and after a performance;
- (2) During intermissions; and
- (3) During cast parties and receptions before and after a performance.

(e) The annual license fee is \$100.

(f) A special theater (on-sale) beer and wine license may not be transferred from the location of original issuance to another location.

§8-216.2.

(a) In this section, “Board” means the Montgomery County Board of License Commissioners.

(b) This section applies only in Montgomery County.

(c) There is a Special Class B – Corporate Training Center beer, wine and liquor (on-sale) license.

(d) The Board may issue the license for use in a corporate headquarters support facility that serves only the workforce training and education needs of employees, customers, and visitors to the corporate headquarters of a corporation that employs at least 500 employees in the County.

(e) Sales of alcoholic beverages under this section are only for on-premises consumption.

(f) The annual license fee is \$2,500.

§8-216.3.

(a) In this section, “Board” means the Montgomery County Board of License Commissioners.

(b) This section applies only in Montgomery County.

(c) There is a special culinary school license.

(d) The Board, by unanimous vote, may issue the license for use on the premises of a private culinary educational institution that:

- (1) Is accredited by a nationally recognized accrediting association;

(2) Is approved by the Maryland Higher Education Commission; and
(3) Holds a private educational institution license issued by Montgomery County.

(e) The annual license fee is \$400.

(f) (1) The license authorizes the holder to:

(i) In connection with a wine tasting course offered by the license holder, allow the consumption of wine by individuals who are at least 21 years old and registered in the wine tasting course; and

(ii) In connection with a culinary or confectionary course offered by the license holder, allow the consumption of beer and wine by individuals who are at least 21 years old and registered in the culinary or confectionary course.

(2) An individual may consume beer or wine covered by a special culinary school license only on the licensed premises.

(3) A license holder may conduct the activities specified in paragraph (1) of this subsection during the following hours:

(i) On Monday through Thursday, from 9 a.m. to 1 a.m. the following day;

(ii) On Friday and Saturday, from 9 a.m. to 2 a.m. the following day; and

(iii) On Sunday, from 10 a.m. to 1 a.m. the following day.

(4) A license holder shall provide food during the hours alcoholic beverages are served.

(g) A license holder may not simultaneously hold any other license issued under this article.

§8-216.4.

(a) This section applies only in Montgomery County.

(b) (1) The Board of License Commissioners may issue a special art gallery beer and wine license to a nonprofit or for-profit retail business engaged in the display and sale of original artwork by an individual artist or a group of artists.

(2) A business that displays and sells commercially prepared or mass-produced artistic products may not be issued the license.

(c) Notwithstanding any other provision of this article, a holder of the license

may sell or serve beer and wine at retail for consumption on the premises when snacks are served during normal business hours but not later than midnight.

(d) The annual license fee is \$100.

(e) The license may not be transferred from the location for which the license was originally issued to another location.

§8–216.5.

(a) This section applies only in Montgomery County.

(b) The Board of License Commissioners may issue a special beauty salon beer and wine license to a holder of a beauty salon permit under § 5–501 of the Business Occupations and Professions Article.

(c) A beauty salon license authorizes the license holder to provide no more than 5 ounces of beer or wine by the glass for on–premises consumption by a beauty salon customer:

(1) When the customer is provided a cosmetology service under § 5–101(l) of the Business Occupations and Professions Article; or

(2) While the customer is attending a fundraising event at the beauty salon for which the Department of Permitting Services has issued a permit.

(d) A beauty salon license may not be transferred to another location.

(e) Notwithstanding any other provision of this article, a holder of the license may provide beer and wine for on–premises consumption during normal business hours but not later than 9:00 p.m.

(f) The annual license fee is \$100.

(g) An establishment for which a beauty salon license is issued is subject to the alcohol awareness training requirements under § 13–101 of this article.

§8–216.6.

(a) This section applies only in Montgomery County.

(b) There is a refillable wine container permit.

(c) The Board of License Commissioners may issue the permit to a holder of a license that entitles the holder to sell wine for off–premises consumption.

(d) The permit authorizes the permit holder to sell wine for consumption off the licensed premises in a refillable container that meets the standards established under § 21–107 of this article.

(e) The Board shall issue the refillable container permit at no cost to the applicant.

§8-217.

(a) (1) In Prince George's County it is unlawful for any person under the age of 18 years for any purpose, between the hours of 10:00 p.m. and 6:00 a.m., to enter or to remain upon any portion of the premises of the holder of any Class B or Class D beer, or beer and light wine license where the privileges conferred by the license are exercised, unless the person is in the immediate company of at least one of his parents, or of his legal guardian, or spouse.

(2) In Prince George's County, in addition to the other powers and duties conferred upon them, the Board of License Commissioners may prescribe such rules and regulations as they deem necessary, regarding the presence of any person under the age of 21 years on any premises licensed to sell alcoholic beverages, in addition to or in lieu of the provisions stated in this section; and, the Board shall prescribe and have the power to enforce such rules and regulations as it may adopt for regulating the conduct of business by licensees and their employees and licensed premises in relation to the sale and consumption of alcoholic beverages, and for requiring the maintenance of records on the licensed premises by the license holder containing the names, addresses and ages of all persons employed by the licensee on the premises and such other regulations as may be deemed necessary for maintenance of standards for sanitation and health, including provisions for adequate and sanitary facilities for consumption of alcoholic beverages, for safe water and plumbing facilities, for proper utensil cleaning and storage, for refuse disposal and rodent control and for the preparation and service of meals or food with alcoholic beverages.

(3) In Prince George's County it is unlawful for any person under the age of 21 years to purchase alcoholic beverages, or to enter the premises of any holder of any alcoholic beverages license for the purpose of obtaining alcoholic beverages or to misrepresent his age for the purpose of obtaining alcoholic beverages, or to have alcoholic beverages on or about his person. It is unlawful for any person to misrepresent the age of a person under the age of 21 years for the purpose of obtaining alcoholic beverages for such person, or for any person to obtain alcoholic beverages for the use of a person under the age of 21 years.

(4) In Prince George's County, in addition to the other powers and duties conferred upon them, the Board of License Commissioners may prescribe rules and regulations concerning the granting and the date of issuing licenses when the actual use of the license is to be deferred until the completion of construction work or alteration on the premises; and further, said Board may prescribe rules and regulations concerning alterations and additions to any licensed premises and the use thereof; the provisions hereof shall not be construed to prevent the issuance, or renewal, of a license previously issued, or authorized for issuance, where the premises licensed or to be licensed are under construction or the alterations to be made therein are in progress.

(5) Notwithstanding any other provisions of this section, a person shall be entitled to enter or remain upon any portion of the premises of the holder of a license granted under this article regardless of age, provided that there is operated thereon a bona fide bowling alley and that such bowling alley is then in use.

(b) A person or persons or body corporate may not sell directly or indirectly at any place within the corporate limits of the City of Hyattsville, or give away at any place of business in the City, any alcoholic beverages or any intoxicating drinks of any kind other than beer, light wine and on-sale liquor, the liquor being only for consumption on the immediate premises of a Class B license. The Board of License Commissioners for Prince George's County may not issue any license, for the sale of any alcoholic beverages or intoxicating drinks of any kind, within the limits of the City of Hyattsville, other than beer, light wine and on-sale liquor, the liquor being only for consumption on the immediate premises of a Class B license, except that the Board may transfer one Class B beer, wine and liquor license with an off-sale privilege, as defined in § 6-201(r) of this article, for use within the corporate limits of the City of Hyattsville, for which the licensee shall pay an annual fee of \$1,500.

(c) Repealed.

(d) Notwithstanding any other law to the contrary, the Prince George's County Board of License Commissioners may not issue any class of alcoholic beverages license for use in a business establishment with a commercial fuel pump located on the premises that is used by the general public for the purchase of fuel.

(e) (1) In Prince George's County, if two corporations with direct or indirect interests in alcoholic beverages licenses for use by restaurants undergo a merger, consolidation, or share exchange that results in a single successor corporation during the time period beginning on September 1, 2007 and ending on June 1, 2008, the total number of alcoholic beverages licenses that the successor corporation may hold is the sum of the licenses held by the two corporations after the successor corporation was formed if the number of licenses held is 8 or less.

(2) An indirect interest in a license is evidenced by any of the following relationships involving the licensee and another licensee or the licensee and an applicant for a license:

(i) A common parent company;

(ii) A franchise agreement;

(iii) A licensing agreement;

(iv) A concession agreement;

(v) Membership by the licensee and the other person in a chain of businesses commonly owned and operated and so portrayed to the public;

(vi) Sharing of directors or stockholders or sharing of directors or stockholders of parent companies or subsidiaries;

(vii) Common direct or indirect sharing of profit from the sale of alcoholic beverages; or

(viii) Sharing of a common trade name, trademark, logo, theme, or mode of operation identifiable by the public, except hotels and motels.

§8–217.1.

(a) This section applies only in Prince George’s County.

(b) In this section, “Board” means the Board of License Commissioners.

(c) There is a refillable container permit.

(d) The Board may issue a refillable container permit to a holder of any Class B beer, wine and liquor license with off–sale privileges.

(e) Before the Board issues a refillable container permit to an applicant, the applicant shall:

(1) Complete the form that the Board provides; and

(2) Pay an annual permit fee that the Board establishes.

(f) The hours of sale for a refillable container permit:

(1) Begin at the same time as those for the license already held by the person to whom the refillable container permit is issued; and

(2) End at midnight.

(g) The Board shall adopt regulations to carry out this section.

§8–218.

(a) In the alcoholic beverage laws for Queen Anne’s County, the following words mean:

(1) The word “restaurant” as used in § 3-201 and in § 6-201 of this article, when applied to Queen Anne’s County, means a business establishment for the accommodation of the public, fully equipped with a proper and adequate dining room having a seating capacity of at least 12 persons and with sufficient facilities for preparing and serving meals, which has been approved by the Board of License Commissioners of Queen Anne’s County, wherein the average daily receipts from the sale of food comprise at least 51 percent of the average daily receipts of the business.

(2) The word “hotel” as used in § 3-201 and § 6-201 of this article, when applied to Queen Anne’s County, means a building or structure erected or constructed for hotel purposes having 20 or more bedrooms providing services ordinarily found in hotels, for the accommodation of the public, containing a dining room with facilities for preparing and serving meals wherein the average daily receipts from the sale of food exceed the average daily receipts from the sale of alcoholic beverages.

(b) Holders of all classes of retail alcoholic beverages licenses in Queen Anne’s County may exercise their license privileges on Sunday from 8 a.m. until the closing hour permitted by that class of license during any other day of the week.

(c) (1) Any licensee holding a Class B license, of any type, issued in Queen Anne’s County, biannually, on dates to be set by the Board of License Commissioners, shall file with the Board a sworn statement that the gross receipts from food sales in the restaurant for the six-month period immediately preceding the filing of this report, are in excess of the gross receipts from the sale of alcoholic beverages. However, nothing prohibits the Board of License Commissioners from requiring more frequent sworn statements.

(2) The Board may require any licensee to provide any supporting data as it, in its discretion, considers necessary in order to establish that the requirements of subsection (a) relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages have been met.

(d) (1) As a prerequisite for the initial issuance of a Class B license, of any type issued in Queen Anne’s County, the applicants shall attest in a sworn statement that gross receipts from food sales in the restaurant will be in excess of the gross receipts from the sale of alcoholic beverages.

(2) In the event that a Class B licensee of any type issued in Queen Anne’s County fails to maintain gross receipts from the sale of food in excess of gross receipts from the alcoholic beverages during any six-month period, the Board, in its discretion, may revoke the license.

(e) (1) The Board of License Commissioners of Queen Anne’s County may authorize the issuance of an additional license to be known as a Class B-D beer, wine, and liquor license. This special license authorizes the holder to keep for sale, and sell, all alcoholic beverages at retail at the place described on the license for consumption on the premises. The holder of this license may also sell beer for consumption off the premises.

(2) This license is issued only to establishments having facilities for preparing and serving food to the public, whose average daily gross receipts from the sale of food comprise at least 25 percent of the average daily gross receipts of the entire business and have been approved by the Board of License Commissioners for Queen Anne’s County.

(3) All restaurants having a valid Class B beer, wine, and liquor license are entitled to exchange their current license for a Class B-D license.

(4) The annual fee for this license is \$1,800.

§8–218.1.

(a) (1) This section applies only in Queen Anne’s County.

(2) In this section, “Board” means the Queen Anne’s County Board of License Commissioners.

(b) There is a refillable container permit.

(c) (1) The Board may issue a refillable container permit to a holder of a Class A, Class B, Class C, or Class D alcoholic beverages license.

(2) A refillable container permit entitles the holder to sell draft beer for consumption off the licensed premises in a refillable container that meets the standards under § 21–107 of this article.

(3) Before the Board issues a refillable container permit, the applicant shall:

(i) Complete the form that the Board provides; and

(ii) Pay an annual permit fee of:

1. \$500 for an applicant whose alcoholic beverages license does not have an off–sale privilege; or

2. \$50 for an applicant whose alcoholic beverages license has an off–sale privilege.

(4) The hours of sale for a refillable container permit:

(i) Begin at the same time as those for the license already held by the person to whom the refillable container permit is issued; and

(ii) End at midnight.

(5) The Board may adopt regulations to carry out this section.

§8–219.

In St. Mary’s County, no license for the sale of alcoholic beverages shall be issued for the use of any corporation unless the owners of fifteen per centum (15%) of the total stock of such corporation are residents of St. Mary’s County. For the purposes of this section the term “resident” shall include all persons who have resided in St. Mary’s

County for six months next preceding the application for a license.

§8–219.1.

- (a) This section applies only in St. Mary’s County.
- (b) In this section, “Board” means the Alcohol Beverage Board.
- (c) There is a refillable container permit.
- (d) The Board may issue a refillable container permit to a holder of a Class A license, a Class B license, or a Class D license.
- (e) (1) Before the Board issues a refillable container permit, the applicant shall complete the form that the Board provides.
 - (2) The Board may charge an annual permit fee of up to:
 - (i) \$500 for an applicant who holds an underlying alcoholic beverages license without an off–sale privilege; or
 - (ii) \$50 for an applicant who holds an underlying alcoholic beverages license with an off–sale privilege.
- (f) The hours of sale for a refillable container permit:
 - (1) Begin at the same time as those for the underlying alcoholic beverages license; and
 - (2) End at midnight.
- (g) The Board shall adopt regulations to carry out this section.

§8–222.

- (a) This section applies only in Washington County.
- (b) (1) The operators of any amusement park, whether individual, association of individuals, or a corporation, may be entitled to a license for the sale of beer within the confines of its park.
 - (2) The fee for such license shall be one hundred dollars (\$100) each calendar year, and shall entitle the holder to sell beer at one or more locations within the park from 8 a.m. to midnight on every day from May 1 to September 30 of each year, except Sundays and election days.
 - (3) Such licensees shall be subject to all laws, rules and regulations applicable in the county to the sale of beer, not inconsistent with the provisions of this section; nothing contained in § 9–102 of this article shall apply to any license issued

pursuant to this section.

(c) (1) In this subsection, “premises” includes the entire stadium facility and the stadium parking lots.

(2) The Board of License Commissioners may issue a stadium (on-sale) license to the owner of a professional baseball team franchise.

(3) The franchise may be in any form of business organization, including partnership, corporation, and limited liability company.

(4) The annual fee is \$2,000.

(5) A license entitles the holder to sell beer and light wine:

(i) Subject to paragraph (4) of this subsection, for consumption on the licensed premises to persons present at any event held in the stadium;

(ii) In plastic, Styrofoam, or paper containers; and

(iii) From the time the stadium opens for the event until the event ends.

(6) The written approval of the Board of License Commissioners is required before beer and light wine may be sold, served, or consumed:

(i) On the parking lots of the stadium; or

(ii) During any event other than a baseball game in which the team of the license holder is playing.

(7) Except for a wholesaler or distributor of beer and light wine that is conducting business with the license holder, the license holder may not allow any person to carry alcoholic beverages onto or from the licensed premises.

(d) (1) The Board of License Commissioners may issue a sidewalk cafe license to a holder of a Class B license of any kind.

(2) A license entitles the holder to sell and serve alcoholic beverages in an area on the sidewalk directly in front of the licensed establishment.

(3) The annual fee is \$500.

(4) A sidewalk cafe license may be issued only with an application for a Class B license of any kind.

(5) To maintain a sidewalk cafe license, a holder:

(i) Shall comply with all rules and regulations applicable to the

issuance of the underlying Class B license of any kind and with all municipal ordinances and fire and health department regulations;

(ii) Shall ensure that at least one employee is certified by an alcohol awareness program and on the premises at all times during the operation of the sidewalk cafe; and

(iii) Shall keep the kitchen open during all hours of operation and have prepared meals available to be served in the sidewalk cafe.

(6) A holder may sell or serve alcoholic beverages in the sidewalk cafe from noon to midnight, every day of the week.

§8-222.1.

(a) (1) (i) In this section the following words have the meanings indicated.

(ii) “Board” means the Washington County Board of License Commissioners.

(iii) “Class B (on-sale) license of any type” means:

1. A Class B (on-sale) beer license;
2. A Class B (on-sale) beer and light wine license; or
3. A Class B (on-sale) beer, wine and liquor license.

(2) This section applies only in Washington County.

(b) (1) A Class B (on-sale) license of any type:

(i) May be issued countywide by the Board; and

(ii) Is not subject to the population ratio quota requirements under § 9-222 of this article.

(2) Subject to subsection (c) of this section, the Board may issue a Class B (on-sale) license of any type if the establishment for which the license is issued is a restaurant that:

(i) Is located in a permanent building with ample space and accommodations;

(ii) Commonly offers hot and cold meals that are prepared, sold, and served to the public during regular business hours;

(iii) Has a dining area with regular seating capacity at tables, chairs, and booths, that, excluding seats at bars or counters, can accommodate at least 50

patrons; and

(iv) Is equipped with sufficient kitchen and dining facilities for regularly preparing and serving meals to the public;

(v) Maintains a menu that advertises a variety of food that the establishment serves;

(vi) Serves food at all times whenever alcoholic beverages are being served or consumed; and

(vii) Has, on an annual basis, gross sales of food and nonalcoholic beverages that exceed its gross sales of alcoholic beverages.

(c) (1) A Class B beer (on-sale) license authorizes the holder to sell beer for on-premises consumption.

(2) A Class B beer and light wine (on-sale) license authorizes the holder to sell beer and light wine for on-premises consumption.

(3) A Class B beer, wine and liquor (on-sale) license authorizes the holder to sell beer, wine, and liquor for on-premises consumption.

(d) The term of a Class B (on-sale) license of any type is 1 year and begins on May 1 of each year.

(e) (1) (i) Once per licensing cycle, a license holder shall comply with a request from the Board to submit a Food Alcohol Ration Report covering 2 preceding quarters that the Board selects to demonstrate compliance with the annual gross sales requirement under subsection (b) of this section.

(ii) To enforce this paragraph, the Board may:

1. Request that a license holder provide supporting data or additional information;

2. Issue a fine; or

3. Suspend a license.

(2) As a prerequisite for the renewal of a license under this subsection, an applicant for a Class B (on-sale) license of any type shall have demonstrated compliance with the annual gross sales requirement under subsection (b) of this section.

(3) When submitting a Food Alcohol Ration Report, the applicant shall include a current menu and information on hours of operation and sales amounts and percentages for the specified quarters for food, nonalcoholic beverages, and alcoholic beverages.

(4) The applicant or the applicant's accountant shall complete, sign, and provide for the notarization of the Food Alcohol Ration Report.

(f) The annual license fee:

(1) For a Class B (on-sale) beer license is set out in § 3-201(w) of this article;

(2) For a Class B (on-sale) beer and light wine license is set out in § 5-201(w) of this article;

(3) For a Class B (on-sale) beer, wine and liquor license is set out in § 6-201(w) of this article; and

(4) For a Special Sunday (on-sale) license is \$250.

§8-222.2.

(a) This section applies only in Washington County.

(b) In this section, "Board" means the Board of License Commissioners.

(c) There is a refillable container permit.

(d) The Board may issue a refillable container permit to a holder of a Class A, Class B, or Class D license.

(e) Before the Board issues a refillable container permit to an applicant, the applicant shall:

(1) Complete the form that the Board provides; and

(2) Pay an annual permit fee of:

(i) \$500 for an applicant whose alcoholic beverages license does not have an off-sale privilege; or

(ii) \$50 for an applicant whose alcoholic beverages license has an off-sale privilege.

(f) The hours of sale for a refillable container permit:

(1) Begin at the same time as those for the license already held by the person to whom the refillable container permit is issued; and

(2) End at midnight.

(g) The Board may adopt regulations to carry out this section.

§8–223.

- (a) This section applies only in Wicomico County.
- (b) The Board of License Commissioners may issue a Class B beer and light wine on–sale (stadium) license to the owner of any professional baseball team franchise, whether the franchise is a partnership or a corporation.
- (c) The license authorizes the holder to sell beer and light wine at the stadium:
 - (1) For consumption only on the licensed premises;
 - (2) In plastic, Styrofoam, paper, or aluminum containers on the stadium premises, except that glass containers may be used in an enclosed dining premises in which the patrons are seated;
 - (3) To persons present:
 - (i) At the baseball game in which the licensee’s team is playing; or
 - (ii) At other events that are held at the stadium; and
 - (4) During the hours and days for sale specified in § 11–523(c)(8) of this article.
- (d) The annual license fee is \$2,000.
- (e) Except for a distributor of beer who is conducting business with the licensee for the purposes of this section, the licensee may not permit any person to carry any alcoholic beverages onto or from the licensed premises.
- (f) (1) This license may be issued only for a stadium that has the average daily receipts from the sale of food for each month exceed the average daily receipts from the sale of alcoholic beverages.
 - (2) In calculating average daily receipts from the sale of food, an allocation of foodstuff contained in a mixed drink may not be included in average daily receipts from the sale of food.

§8–224.

- (a) This section applies only in Worcester County.
- (b) There is a Class I beer, wine and liquor license.
- (c) A Class I beer, wine and liquor license may be issued only within:
 - (1) The corporate limits of Ocean City;

- (2) The boundary lines of the 10th election district;
- (3) The boundary lines of the 2nd precinct of the 3rd election district; or
- (4) The area bounded by Maryland Route 589 to the north and east, U.S. Route 50 to the south, and U.S. Route 113 to the west, all of which lie within the 1st precinct of the 3rd election district.

(d) (1) The annual license fee for the 6-day license is \$2,500.

(2) The annual license fee for the 7-day license is \$3,000.

(e) A licensee may sell beer, wine, and liquor for on-premises consumption only.

(f) (1) Except as provided in paragraph (2) of this subsection, all license fees shall go to the general funds of the county.

(2) If the licensed premises are in a municipal corporation, 75 percent of the fees shall go to that municipal corporation.

(g) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a licensee shall purchase all alcoholic beverages, except light wine and beer, from the Worcester County Department of Liquor Control.

(ii) Beginning on July 1, 2014, a licensee may elect to purchase wine and liquor from a licensed wholesaler or may continue to purchase all alcoholic beverages, except light wine and beer, from the Worcester County Department of Liquor Control.

(2) A licensee may purchase beer and light wine from a licensed wholesaler.

(3) A licensee shall be charged not more than 85 percent of the retail price or any special sale price or discount price, whichever is lower, set by the Department for wine and liquor.

(h) The hours for sale are as provided in § 11-524 of this article.

§8-301.

(a) In this section, “Board” means the Allegany County Board of License Commissioners.

(b) This section applies only in Allegany County.

(c) The Board may issue annually one special festival license.

(d) Notwithstanding any other provision of this article, an applicant for a special festival license shall be a holder of an existing State retail alcoholic beverages license,

State Class 3 winery license, or State Class 4 limited winery license issued under this article.

(e) A special festival licensee shall:

(1) Only display and sell:

(i) Wine that is:

1. Manufactured and processed in any state;
2. Price filed in accordance with regulations adopted by the
Comptroller; and
3. Distributed in the State at the time the application is filed;

or

(ii) Beer that is brewed by a brewer:

1. Who brews less than 60,000 barrels of beer annually; and
2. Whose product is distributed in the State at the time the
application is filed;

(2) Display and sell beer and wine at retail for consumption on or off the licensed premises on the days and for the hours designated for the special festival; and

(3) Display and sell wine that is manufactured and processed in any state at retail for consumption off the licensed premises on the days and for the hours designated for the special festival.

(f) This section does not prohibit the holder of a special festival license from holding another alcoholic beverages license of a different class or nature.

(g) The Board:

(1) May establish the license fee;

(2) May select one weekend, Friday through Sunday inclusive, annually for the special festival provided that the weekend that is selected does not occur on the same weekend as the Maryland Wine Festival;

(3) Shall choose a location in the county that is not licensed under this article for the special festival; and

(4) Shall assure that the primary focus of the special festival is the promotion of Maryland beer and wine.

(h) (1) Products displayed and sold shall be:

(i) Invoiced to the special festival license holder by a licensed State wholesaler, winery, or limited winery; and

(ii) Delivered to the special festival from the licensed premises of the wholesaler, winery, or limited winery.

(2) Whenever a special festival license is issued under this subsection, holders of wholesale, winery, or limited winery licenses may enter into an agreement with the holder of a special festival license to deliver beer and wine 2 days prior to the effective date of the special festival license and to accept returns 2 days after the expiration date of the special festival license.

(i) The Board shall adopt regulations to implement this section.

§8-302.

(a) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Anne Arundel County Board of License Commissioners.

(3) “Festival” means the Anne Arundel County Beer and Wine Festival and the Benson–Hammond House Strawberry Festival.

(b) This section applies only in Anne Arundel County.

(c) The Board may issue a special festival (AABWF) license.

(d) Notwithstanding any other provision of this article, an applicant for a special festival license shall be a holder of an existing State retail alcoholic beverages license, State Class 3 winery license, or State Class 4 limited winery license issued under this article.

(e) A special festival licensee shall:

(1) Only display and sell:

(i) Wine that is:

1. Manufactured and processed in any state;

2. Price filed in accordance with regulations adopted by the Comptroller; and

3. Distributed in the State at the time the application is filed; and

(ii) Beer that is brewed by a brewer:

1. Who brews less than 60,000 barrels of beer annually; and
2. Whose product is distributed in the State at the time the application is filed;

(2) Display and sell beer and wine at retail for consumption on or off the licensed premises on the days and for the hours designated for the Festival; and

(3) Display and sell wine that is manufactured and processed in any state at retail for consumption off the licensed premises on the days and for the hours designated for the Festival.

(f) This section does not prohibit the holder of a special festival license from holding another alcoholic beverages license of a different class or nature.

(g) The Board:

(1) May establish the license fee;

(2) May select one weekend, Friday through Sunday inclusive, annually for the Festival provided that the weekend that is selected does not occur within 14 days on either side of the Maryland Wine Festival;

(3) Shall choose a location in the county for this Festival which is not licensed under this article; and

(4) Shall assure that the primary focus of the Festival is the promotion of Maryland beer and wine.

(h) (1) Products displayed and sold shall be:

(i) Invoiced to the festival license holder by a licensed State wholesaler, winery, or limited winery; and

(ii) Delivered to the Festival from the licensed premises of the wholesaler, winery, or limited winery.

(2) Whenever a special festival license is issued under this section, holders of wholesale, winery, or limited winery licenses may enter into an agreement with the holder of a special festival license to deliver beer and wine 2 days prior to the effective date, and to accept returns 2 days after the expiration date of the special festival license.

(i) The Board shall adopt regulations for implementing this section.

§8–303.

(a) The Baltimore City Board of License Commissioners may issue up to 4 special Baltimore Wine Festival (BWF) licenses.

(b) Notwithstanding any other provision of law, an applicant for a special BWF license shall be a holder of an existing State retail alcoholic beverages license, State Class 3 winery license, or State Class 4 winery license issued under this article.

(c) A special BWF license entitles the holder to display and sell at retail wine for consumption on or off the licensed premises on the days and for the hours designated for a Baltimore Wine Festival in Baltimore City.

(d) The license fee is \$50 per day.

(e) The provisions of this section may not prohibit the licensee from holding another alcoholic beverages license of a different class or nature.

(f) The Baltimore City Board of License Commissioners:

(1) May select four 4-day periods annually for a Baltimore Wine Festival;

(2) Except as provided in paragraph (3) of this subsection, shall choose a location in Baltimore City for a festival for which an alcoholic beverages license has not been issued; and

(3) May not issue a license under this section for use in election district 46, except for the 1st precinct of the 22nd ward.

(g) The Baltimore City Board of License Commissioners shall adopt regulations implementing the provisions of this section.

§8-304.

(a) The Baltimore County Board of License Commissioners may issue a special wine festival license.

(b) Notwithstanding any other provision to the contrary, an applicant for a special wine festival license shall be a holder of a requisite existing retail alcoholic beverages license issued in the State, State Class 3 winery license, or State Class 4 winery license issued pursuant to this article.

(c) A special wine festival license entitles the holder to display and sell at retail wine for consumption on or off the licensed premises on the days and for the hours designated for the special wine festival in Baltimore County.

(d) The license fee is \$60.

(e) The provisions of this section may not prohibit the licensee from holding another alcoholic beverages license of a different class or nature.

(f) The Baltimore County Board of License Commissioners:

(1) Except for the dates chosen for the Cumberland and Shenandoah

Valley Wine Festival in Washington County, the Maryland Wine Festival in Carroll County and the Anne Arundel County Beer and Wine Festival, shall approve one weekend annually for the special wine festival;

(2) Shall approve a location in Baltimore County for the special wine festival which does not hold an alcoholic beverages license; and

(3) Shall ensure that the primary focus of the special wine festival is the promotion of Maryland wine.

(g) The Baltimore County Board of License Commissioners shall adopt regulations for implementing this section.

§8–305.

(a) The Calvert County Board of License Commissioners may issue a special wine festival (WF) license.

(b) Notwithstanding any other provision to the contrary, an applicant for a special WF license shall be a holder of an existing retail alcoholic beverages license issued in the State authorizing the sale of wine, a State Class 3 winery license, or a State Class 4 winery license issued pursuant to this article.

(c) A special WF license entitles the holder to display and sell at retail wine for consumption on or off the licensed premises on the days and for the hours designated for the wine festival in Calvert County.

(d) The license fee is \$15.

(e) The provisions of this section may not prohibit the licensee from holding another alcoholic beverages license of a different class or nature.

(f) The Calvert County Board of License Commissioners:

(1) Shall approve one weekend annually for the wine festival; and

(2) Shall approve a location in Calvert County for this festival which does not hold an alcoholic beverages license.

(g) The Calvert County Board of License Commissioners shall adopt regulations for implementing this section.

§8–306.

(a) The Carroll County Board of License Commissioners may issue a special Maryland Wine Festival (MWF) license.

(b) Notwithstanding any other provision to the contrary, an applicant for a special MWF license shall be a holder of an existing State retail alcoholic beverages

license, State Class 3 winery license, or State Class 4 winery license issued pursuant to this article.

(c) A special MWF licensee shall only display and sell wine that is produced and processed in Maryland.

(d) A special MWF license entitles the holder to display and sell at retail wine for consumption on or off the licensed premises on the days and for the hours designated for the Maryland Wine Festival in Carroll County.

(e) The license fee is \$200.

(f) The provisions of this section may not prohibit the licensee from holding another alcoholic beverages license of a different class or nature.

(g) The Carroll County Commissioners:

(1) May select one weekend annually during the months of July, August, or September for the Maryland Wine Festival; and

(2) Shall choose a location in Carroll County for this festival which does not hold an alcoholic beverages license.

(h) The Carroll County Board of License Commissioners shall adopt regulations for implementing this section.

§8-306.1.

(a) In this section, "Board" means the Cecil County Liquor Board.

(b) This section applies only in Cecil County.

(c) The Board may issue not more than three special wine festival (WF) licenses.

(d) An applicant for a special WF license shall be a holder of a State retail alcoholic beverages license, State Class 3 winery license, or State Class 4 winery license.

(e) (1) The Board shall assure that the primary focus of each festival is the promotion of Maryland wine.

(2) The holder of a special WF license shall display and sell wine that is:

(i) Price filed in accordance with regulations adopted by the Comptroller; and

(ii) Distributed in the State.

(f) A special WF license entitles the holder to display and sell at retail wine for consumption on or off the licensed premises on the days and for the hours designated

for the wine festival in the county.

(g) The license fee is \$20.

(h) This section does not prohibit the license holder from holding another alcoholic beverages license of a different class or nature.

(i) The Board:

(1) May choose one weekend annually during the months of June, July, August, or September for each wine festival that does not conflict with the Anne Arundel County Beer and Wine Festival, the Cumberland and Shenandoah Valley Wine Festival, or the Maryland Wine Festival; and

(2) Shall choose a location in the county for each festival that is not licensed under this article.

(j) The Board shall adopt regulations to carry out this section.

§8-307.

(a) This section applies only in Dorchester County.

(b) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Dorchester County Board of License Commissioners.

(3) “Festival” means the Dorchester County Beer and Wine Festival.

(c) The Board may issue a special festival (DBWF) license.

(d) Notwithstanding any other provision of this article, an applicant for a special festival license shall be a holder of an existing State retail alcoholic beverages license, State Class 3 winery license, State Class 4 limited winery license, State Class 6 pub-brewery license, State Class 7 micro-brewery license, or State Class 8 farm brewery license issued under this article.

(e) A special festival licensee shall:

(1) Only display and sell:

(i) Wine that is:

1. Manufactured and processed in any state;

2. Price filed in accordance with regulations adopted by the

Comptroller; and

and 3. Distributed in the State at the time the application is filed;

(ii) Beer that is brewed by a brewer:

1. Who brews less than 40,000 barrels of beer annually; and
2. Whose product is distributed in the State at the time the application is filed;

(2) Display and sell beer and wine at retail for consumption on or off the licensed premises on the days and for the hours designated for the Festival; and

(3) Display and sell wine that is manufactured and processed in any state at retail for consumption off the licensed premises on the days and for the hours designated for the Festival.

(f) This section does not prohibit the holder of a special festival license from holding another alcoholic beverages license of a different class or nature.

(g) The Board:

(1) May establish the license fee;

(2) May select one weekend, Friday through Sunday inclusive, annually for the Festival;

(3) Shall choose for this Festival a location in the county that is not licensed under this article; and

(4) Shall assure that the primary focus of the Festival is the promotion of Maryland beer and wine.

(h) (1) Products displayed and sold shall be:

(i) Invoiced to the festival license holder by a licensed State wholesaler, winery, or limited winery; and

(ii) Delivered to the Festival from the licensed premises of the wholesaler, winery, or limited winery.

(2) Whenever a special festival license is issued under this section, holders of wholesale, winery, or limited winery licenses may enter into an agreement with the holder of a special festival license to deliver beer and wine 2 days prior to the effective date, and to accept returns 2 days after the expiration date of the special festival license.

(i) The Board shall adopt regulations for implementing this section.

§8-308.

- (a) (1) In this section the following words have the meanings indicated.
 - (2) “Board” means the Charles County Board of License Commissioners.
 - (3) “Festival” means the Charles County Beer and Wine Festival.
- (b) This section applies only in Charles County.
- (c) The Board may issue a special festival (CBWF) license.
- (d) Notwithstanding any other provision of this article, an applicant for a special festival license shall be a holder of an existing State retail alcoholic beverages license, State Class 3 winery license, or State Class 4 limited winery license issued under this article.
- (e) A special festival licensee may:
 - (1) Only display and sell:
 - (i) Wine that is:
 - 1. Manufactured and processed in any state;
 - 2. Price filed in accordance with regulations adopted by the Comptroller; and
 - 3. Distributed in the State at the time the application is filed;
 - (ii) Beer that is brewed by a brewer:
 - 1. Who brews less than 60,000 barrels of beer annually; and
 - 2. Whose product is distributed in the State at the time the application is filed;
 - (2) Display and sell beer and wine at retail for consumption on or off the licensed premises on the days and for the hours designated for the Festival; and
 - (3) Display and sell wine that is manufactured and processed in any state at retail for consumption off the licensed premises on the days and for the hours designated for the Festival.
- (f) This section does not prohibit the holder of a special festival license from holding another alcoholic beverages license of a different class or nature.
- (g) The Board:

(1) May establish the license fee;

(2) May select one weekend, Friday through Sunday inclusive, annually for the Festival provided that the weekend that is selected does not occur within 14 days before or after the Maryland Wine Festival in Carroll County and does not conflict with the dates chosen for the Anne Arundel County Beer and Wine Festival, the Baltimore County Wine Festival, the Calvert County Wine Festival, the Harford County Wine Festival, the Howard County Wine Festival, the Queen Anne's County Beer and Wine Festival, the Maryland Wine Festival in Somerset County, the Cumberland and Shenandoah Valley Wine Festival in Washington County, and the Worcester County Beer and Wine Festival;

(3) Shall choose a location in the county for this Festival which is not licensed under this article; and

(4) Shall assure that the primary focus of the Festival is the promotion of Maryland beer and wine.

(h) (1) Products displayed and sold shall be:

(i) Invoiced to the festival license holder by a licensed State wholesaler, winery, or limited winery; and

(ii) Delivered to the Festival from the licensed premises of the wholesaler, winery, or limited winery.

(2) Whenever a special festival license is issued under this section, holders of wholesale, winery, or limited winery licenses may enter into an agreement with the holder of a special festival license to deliver beer and wine 2 days prior to the effective date, and to accept returns 2 days after the expiration date of the special festival license.

(i) The Board shall adopt regulations for implementing this section.

§8-308.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Board" means the Frederick County Board of License Commissioners.

(3) "Festival" means the Frederick County Wine Festival.

(b) This section applies only in Frederick County.

(c) The Board may issue a special wine festival (WF) license.

(d) Notwithstanding any other provision of this article, to be eligible for a special WF license, an applicant must be a holder of an existing State retail alcoholic beverages license, a State Class 3 winery license, or a State Class 4 limited winery license.

(e) A special WF license entitles the holder to display and sell at retail wine for consumption on or off the premises on the days and for the hours designated for a festival in the county.

(f) (1) The Board shall assure that the primary focus of the Festival is the promotion of Maryland wine.

(2) A holder of a special WF license shall display and sell wine that is distributed in the State.

(g) The special WF license fee is \$20.

(h) This section does not prohibit the holder of a special WF license from holding another alcoholic beverages license of a different class or nature.

(i) The Board may choose 2 weekends annually for festivals.

(j) The Board shall choose locations in the county for the festivals that are not licensed under this article.

(k) The Board shall adopt regulations to carry out this section.

§8–308.2.

(a) This section applies only in Frederick County.

(b) There is a special Middletown Wine Festival (MWF) license.

(c) The Frederick County Board of License Commissioners may issue a special MWF license to a holder of a State Class 3 winery license or a State Class 4 limited winery license.

(d) A special MWF license entitles the holder to display and sell at retail wine for consumption on or off the premises on the days and for the hours designated for the Middletown Wine Festival.

(e) The special MWF license fee is \$20.

(f) This section does not prohibit the holder of a special MWF license from holding another alcoholic beverages license of a different class or nature.

(g) The Burgess and Commissioners of Middletown:

(1) May hold not more than two 1–day Middletown Wine Festivals annually on the days that the Burgess and Commissioners choose; and

(2) Shall choose festival locations that are not licensed under this article.

(h) The Board of License Commissioners may adopt regulations to carry out this

section.

§8-308.3.

(a) In this section, “Board” means the Garrett County Board of License Commissioners.

(b) This section applies only in Garrett County.

(c) The Board may issue annually one wine festival license.

(d) Notwithstanding any other provision of this article, an applicant for a wine festival license shall:

(1) Hold, within the county, an existing retail alcoholic beverages license, State Class 3 winery license, or State Class 4 limited winery license; or

(2) Be eligible for any type of special Class C license that the Board issues.

(e) A wine festival licensee shall:

(1) Only display and sell wine that is:

(i) Manufactured and processed in any state;

(ii) Price filed in accordance with regulations adopted by the Comptroller; and

(iii) Distributed in the State at the time the application is filed; and

(2) Display and sell wine at retail for consumption on or off the licensed premises on the days and for the hours designated for the wine festival.

(f) The Board shall:

(1) Establish the license fee;

(2) Approve one or two days, excluding Sunday, annually for the wine festival provided that the days selected do not occur on the same weekend as the Maryland Wine Festival; and

(3) Approve a location in the county that is not licensed under this article for the wine festival.

(g) (1) Products to be displayed and sold at the wine festival shall be:

(i) Invoiced to the wine festival license holder by a licensed State wholesaler, winery, or limited winery; and

(ii) Delivered to the wine festival from the licensed premises of the wholesaler, winery, or limited winery.

(2) Whenever a wine festival license is issued under this section, holders of wholesale, winery, or limited winery licenses may enter into an agreement with the holder of a wine festival license to deliver beer and wine 2 days prior to the effective date of the wine festival license and to accept returns 2 days after the expiration date of the wine festival license.

(h) A wine festival license issued for use in a location where Sunday sales are allowed under § 11-512(c) of this article authorizes Sunday sales:

(1) To begin at 10 a.m.; and

(2) To be made without a consumer placing an order for a meal simultaneously or before placing an order for an alcoholic beverage.

(i) The Board shall:

(1) Hold a hearing on each application for a wine festival license; and

(2) Publish a notice of the application one time at least 7 days before the hearing in a newspaper of general circulation in the county.

(j) The Board shall adopt regulations to implement this section.

§8-309.

(a) The Harford County Liquor Control Board may issue a special wine festival (WF) license.

(b) Notwithstanding any other provision to the contrary, an applicant for a special WF license shall be a holder of an existing State retail alcoholic beverages license, State Class 3 winery license, or State Class 4 winery license issued pursuant to this article.

(c) A special WF licensee shall only display and sell wine that is produced and processed in Maryland.

(d) A special WF license entitles the holder to display and sell at retail wine for consumption on or off the licensed premises on the days and for the hours designated for the wine festival in Harford County.

(e) The license fee is \$20.

(f) The provisions of this section may not prohibit the licensee from holding another alcoholic beverages license of a different class or nature.

(g) The Harford County Liquor Control Board shall choose a location in Harford

County for this festival which does not hold an alcoholic beverages license.

(h) The Harford County Liquor Control Board shall adopt regulations for implementing this section.

§8-310.

(a) The Howard County Board of License Commissioners may issue a special wine festival (WF) license.

(b) Notwithstanding any other provision to the contrary, an applicant for a special WF license shall be a holder of an existing retail alcoholic beverages license issued in the State and authorized under the license to sell wine, State Class 3 winery license, or State Class 4 winery license issued pursuant to this article.

(c) A special WF licensee shall only display and sell wine that is produced and processed in Maryland.

(d) A special WF license entitles the holder to display and sell at retail wine for consumption on or off the licensed premises on the days and for the hours designated for the wine festival in Howard County.

(e) The license fee is \$15.

(f) The Howard County Board of License Commissioners:

(1) Except for the dates chosen for the Cumberland and Shenandoah Valley Wine Festival in Washington County, the Maryland Wine Festival in Carroll County, the Baltimore County Wine Festival, and the Anne Arundel County Beer and Wine Festival, shall approve one weekend annually for the wine festival; and

(2) Shall approve a location in Howard County for this festival which does not hold an alcoholic beverages license.

(g) The Howard County Board of License Commissioners shall adopt regulations for implementing this section.

§8-310.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Montgomery County Board of License Commissioners.

(3) “Festival” means the Montgomery County Wine Festival.

(4) “Festival organization” means a nonprofit organization that is selected by Montgomery County to organize the festival and that has extensive experience in organizing and managing large-scale public events.

(b) This section applies only in Montgomery County.

(c) Under the supervision of the Montgomery County Department of Liquor Control, the county each year may conduct the Montgomery County Wine Festival on not more than 4 weekends that a festival organization selects.

(d) A festival organization may contract with holders of a Montgomery County retail alcoholic beverage license, a State Class 3 winery license, or a State Class 4 limited winery license to sell and display wine at the festival.

(e) (1) A festival organization, through contractors who hold a special festival license issued under subsection (g) of this section, may display and sell wine that is price filed in accordance with regulations adopted by the State Comptroller and distributed in the State.

(2) Wine may be displayed and sold at retail for consumption on or off the premises on the days and for the hours designated for the festival.

(f) A festival organization:

(1) Shall choose for the festival a location that is a licensed or an unlicensed premises in the county; and

(2) Shall assure that the primary focus of the festival is the promotion of Montgomery County.

(g) (1) Before a person may sell, offer for sale, or display wine at a festival, the person must contract with the festival organization and obtain a special festival license from the Board.

(2) The license fee is \$30 for each day of the festival.

(3) Notwithstanding any other provision of law, a person may hold a special festival license in addition to another license issued under this article.

(4) The Board may deny a special festival license to any applicant, suspend or revoke a special festival license, or impose a fine not exceeding \$20,000 if the applicant or license holder violates a provision of this article or the regulations of the Board.

(5) Notwithstanding any other provision of law, all license fees collected under this subsection shall be deposited into the general fund of the county.

(h) The Board shall adopt regulations for implementing this section.

§8-310.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Prince George’s County Board of License Commissioners.

(3) “Festival” means the Prince George’s County Wine Festival.

(b) (1) Except as provided in paragraph (2) of this subsection, this section applies only in Prince George’s County.

(2) This section does not apply in the 24th Legislative District.

(c) The Board may issue one wine festival license each year.

(d) Notwithstanding any other provision of this article, an applicant for a wine festival license shall be a holder of a retail alcoholic beverages license, a Class 3 winery license, or a Class 4 limited winery license.

(e) (1) Subject to paragraph (2) of this subsection, a holder of a wine festival license may display and sell wine at the Festival for consumption on or off the premises on the days and for the hours designated for the Festival.

(2) The wine shall be:

(i) Manufactured and processed in any state;

(ii) Price filed in accordance with regulations that the Comptroller adopts; and

(iii) Distributed in the State by the time the application for the wine festival license is filed.

(f) This section does not prohibit the holder of a wine festival license from holding another alcoholic beverages license of a different class or nature.

(g) (1) The Board:

(i) May establish the license fee;

(ii) Shall choose a location in the county for this Festival which is not licensed under this article;

(iii) Shall assure that the primary focus of the Festival is the promotion of Maryland wine; and

(iv) Subject to paragraph (2) of this subsection, annually may select one weekend, Friday through Sunday inclusive, for the Festival.

(2) The weekend chosen for the Festival may not:

(i) Be longer than 3 days;

(ii) Occur within 14 days before or after the Maryland Wine Festival in Carroll County; and

(iii) Conflict with the dates chosen for:

1. The Anne Arundel County Beer and Wine Festival;
2. The Calvert County Wine Festival;
3. The Charles County Beer and Wine Festival; or
4. The Howard County Wine Festival.

(h) (1) Products displayed and sold shall be:

(i) Invoiced to the holder of the wine festival license by a licensed State wholesaler, winery, or limited winery; and

(ii) Delivered to the Festival from the licensed premises of the wholesaler, winery, or limited winery.

(2) Whenever a wine festival license is issued under this section, holders of wholesale, winery, or limited winery licenses may enter into an agreement with the holder of a wine festival license to deliver wine 2 days before the effective date, and to accept returns 2 days after the expiration date of the wine festival license.

(i) The Board shall adopt regulations to carry out this section.

§8-311.

(a) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Queen Anne’s County Board of License Commissioners.

(3) “Festival” means a Beer and Wine Festival (BWF) in Queen Anne’s County.

(b) This section applies only in Queen Anne’s County.

(c) The Board may issue a special festival license.

(d) Notwithstanding any other provision of this article, an applicant for a special festival license shall be a holder of an existing State retail alcoholic beverages license, State Class 3 winery license, or State Class 4 limited winery license issued under this article.

(e) A special festival licensee shall:

(1) Only display and sell:

(i) Wine that is:

1. Manufactured and processed in any state;
 2. Price filed in accordance with regulations adopted by the Comptroller; and
 3. Distributed in the State at the time the application is filed;
- and

(ii) Beer that is brewed by a brewer:

1. Who brews less than 60,000 barrels of beer annually; and
2. Whose product is distributed in the State at the time the application is filed;

(2) Display and sell beer and wine at retail for consumption on or off the licensed premises on the days and for the hours designated for the Festival; and

(3) Display and sell wine that is manufactured and processed in any state at retail for consumption off the licensed premises on the days and for the hours designated for the Festival.

(f) This section does not prohibit the holder of a special festival license from holding another alcoholic beverages license of a different class or nature.

(g) The Board:

(1) May establish the license fee;

(2) May select a maximum of 4 weekends each year, Friday through Sunday inclusive, for a Festival provided that the weekend that is selected does not occur within 14 days on either side of the Maryland Wine Festival;

(3) Shall choose a location in the county for a Festival which is not licensed under this article; and

(4) Shall ensure that the primary focus of a Festival is the promotion of Maryland beer and wine.

(h) (1) Products displayed and sold shall be:

(i) Invoiced to the festival license holder by a licensed State wholesaler, winery, or limited winery; and

(ii) Delivered to the Festival from the licensed premises of the

wholesaler, winery, or limited winery.

(2) Whenever a festival license is issued pursuant to this subsection, holders of wholesale, winery, or limited winery licenses may enter into an agreement with the holder of a festival license to deliver beer and wine 2 days prior to the effective date, and to accept returns 2 days after the expiration date of the festival license.

(i) The Board shall adopt regulations for implementing this section.

§8-312.

(a) The provisions of this section apply only in Somerset County.

(b) The Liquor Licensing Board may issue a special Maryland Wine Festival (MWF) license.

(c) An applicant for a special MWF license shall be a holder of a special temporary alcoholic beverages license, State Class 3 winery license, or State Class 4 winery license.

(d) A special MWF licensee shall only display and sell wine that is produced and processed in Maryland.

(e) A special MWF license entitles the holder to display and sell at retail wine for consumption on or off the licensed premises on the days and for the hours designated for the Maryland Wine Festival.

(f) The license fee is \$19.

(g) The provisions of this section do not prohibit the licensee from holding another alcoholic beverages license of a different class or nature.

(h) The Liquor Licensing Board:

(1) May select one weekend annually during the month of May or June for the Maryland Wine Festival; and

(2) Shall choose a location for this festival.

(i) The Liquor Licensing Board shall adopt regulations for implementing this section.

§8-312.1.

(a) The Alcoholic Beverages Board of St. Mary's County may issue a special wine festival (WF) license.

(b) Notwithstanding any other provision to the contrary, an applicant for a special WF license shall be a holder of an existing retail alcoholic beverages license

issued in the State authorizing the sale of wine, a State Class 3 winery license, or a State Class 4 winery license issued under this article.

(c) A holder of a special WF license shall only display and sell wine:

(1) That is:

(i) Manufactured and processed in any state;

(ii) Price filed in accordance with regulations adopted by the Comptroller; and

(iii) Distributed in the State at the time the application is filed;

(2) At retail for consumption on or off the licensed premises on the days and for the hours designated for the festival; and

(3) That is manufactured and processed in any state at retail for consumption off the licensed premises on the days and hours designated for the festival.

(d) The license fee is \$15.

(e) This section does not prohibit the holder of a special WF license from holding another alcoholic beverages license of a different class or nature.

(f) The Alcoholic Beverages Board of St. Mary's County:

(1) Shall approve one weekend annually for the wine festival;

(2) Shall approve a location in St. Mary's County for this festival that is not licensed under this article; and

(3) Shall ensure that the primary focus of the festival is the promotion of Maryland wine.

(g) The Alcoholic Beverages Board of St. Mary's County shall adopt regulations for carrying out this section.

§8-313.

(a) The Washington County Board of License Commissioners may issue a special Cumberland and Shenandoah Valley Wine Festival (C&SVWF) license.

(b) The C&SVWF license shall only be issued to a nonprofit Williamsport club which is chartered by an international service organization headquartered in the United States.

(c) The C&SVWF license authorizes:

(1) The holder to have a wine festival on premises not already licensed under this article; and

(2) State Class 3 and Class 4 wineries that are licensed under this article to display, sample, and sell at retail for on- or off-premises consumption only wine that is manufactured and processed in Maryland.

(d) The Washington County Board of License Commissioners:

(1) Shall establish the C&SVWF license fee;

(2) May select one weekend annually during the month of June, July, or August for the Cumberland and Shenandoah Valley Wine Festival that does not conflict with the dates of the Maryland Wine Festival; and

(3) Shall adopt regulations for the implementation of this section.

§8-313.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Washington County Board of License Commissioners.

(3) “Festival” means the Washington County Wine Festival.

(b) This section applies only in Washington County.

(c) The Board may issue a special wine festival (WF) license.

(d) Notwithstanding any other provision of this article, to be eligible for a special WF license, an applicant must be a holder of an existing State retail alcoholic beverages license, a State Class 3 winery license, or a State Class 4 limited winery license.

(e) A special WF license entitles the holder to display and sell at retail wine for consumption on or off the premises on the days and for the hours designated for the festival in the county.

(f) (1) The Board shall assure that the primary focus of the Festival is the promotion of Maryland wine.

(2) A holder of a special WF license shall display and sell wine that is distributed in the State.

(g) The special WF license fee is \$20.

(h) This section does not prohibit the holder of a special WF license from holding another alcoholic beverages license of a different class or nature.

- (i) The Board may choose 2 weekends annually for the festivals.
- (j) The Board shall choose locations in the county for the festivals that are not licensed under this article.
- (k) The Board shall adopt regulations to carry out this section.

§8-313.2.

- (a) (1) In this section the following words have the meanings indicated.
 - (2) “Board” means the Wicomico County Board of License Commissioners.
 - (3) “Festival” means the Wicomico County Wine Festival.
- (b) This section applies only in Wicomico County.
- (c) The Board may issue a special WCWF license.
- (d) Notwithstanding any other provision of this article, to be eligible for a special WCWF license an applicant must be a holder of an existing State retail alcoholic beverages license, a State Class 3 winery license, or a State Class 4 limited winery license.
- (e) A holder of a special WCWF license shall:
 - (1) Display and sell wine that is:
 - (i) Manufactured and processed in any state;
 - (ii) Price filed in accordance with regulations adopted by the Comptroller; and
 - (iii) Distributed in the State at the time the application is filed; and
 - (2) Display and sell wine at retail for consumption on or off the licensed premises on the days and for the hours designated for the Festival.
- (f) This section does not prohibit the holder of a special WCWF license from holding another alcoholic beverages license of a different class or nature.
- (g) The special WCWF license fee is \$50 per day.
- (h) (1) The Board shall choose:
 - (i) One weekend, Friday through Sunday inclusive, annually for the Festival; and
 - (ii) A location for the Festival that is in the county but that is not

licensed currently under this article.

(2) The Board shall assure that the primary focus of the Festival is the promotion of Maryland wine.

(i) (1) Products displayed and sold at the Festival shall be:

(i) Invoiced to the holder of the special WCWF license by a licensed State wholesaler, winery, or limited winery; and

(ii) Delivered to the Festival from the licensed premises of the wholesaler, winery, or limited winery.

(2) Whenever a special WCWF license is issued, a holder of a wholesale, winery, or limited winery license may enter into an agreement with the holder of a special WCWF license to deliver wine 2 days before the effective date of the special WCWF license and to accept returns 2 days after the expiration date of the special WCWF license.

(j) The Board shall adopt regulations to carry out this section.

§8-314.

(a) (1) In this section the following words have the meanings indicated.

(2) "Board" means the Worcester County Board of License Commissioners.

(3) "Festival" means:

(i) The Worcester County Beer and Wine Festival (WBWF); or

(ii) A similar festival featuring beer and wine that the Board approves.

(b) This section applies only in Worcester County.

(c) The Board may issue not more than three special festival licenses each year.

(d) Notwithstanding any other provision of this article, an applicant for a special festival license shall be a holder of an existing State retail alcoholic beverages license, State Class 3 winery license, or State Class 4 limited winery license issued under this article.

(e) A special festival licensee shall:

(1) Only display and sell:

(i) Wine that is:

Comptroller; and

1. Manufactured and processed in any state;
2. Price filed in accordance with regulations adopted by the
3. Distributed in the State at the time the application is filed;

and

(ii) Beer that is brewed by a brewer:

1. Who brews less than 60,000 barrels of beer annually; and
2. Whose product is distributed in the State at the time the application is filed;

(2) Display and sell beer and wine at retail for consumption on or off the licensed premises on the days and for the hours designated for the Festival; and

(3) Display and sell wine that is manufactured and processed in any state at retail for consumption off the licensed premises on the days and for the hours designated for the Festival.

(f) This section does not prohibit the holder of a special festival license from holding another alcoholic beverages license of a different class or nature.

(g) The Board:

(1) May establish the license fee;

(2) May select one weekend, Friday through Sunday inclusive, annually for each Festival provided that the weekend that is selected does not occur on the same weekend as the Maryland Wine Festival;

(3) Shall choose a location in the county for each Festival which is not licensed under this article; and

(4) Shall assure that the primary focus of the Festival is the promotion of Maryland beer and wine.

(h) (1) Products displayed and sold shall be:

(i) Invoiced to the festival license holder by a licensed State wholesaler, winery, or limited winery; and

(ii) Delivered to each Festival from the licensed premises of the wholesaler, winery, or limited winery.

(2) Whenever a festival license is issued pursuant to this subsection, holders of wholesale, winery, or limited winery licenses may enter into an agreement

with the holder of a festival license to deliver beer and wine 2 days prior to the effective date, and to accept returns 2 days after the expiration date of the festival license.

- (i) The Board shall adopt regulations for implementing this section.

§8-401.

(a) A bona fide nonprofit organization may receive a wine permit for a fund-raising event by applying to the alcoholic beverages licensing authority for the county in which the event is to be held.

- (b) The wine permit authorizes the holder to:

(1) Hold a fund-raising event on the federally bonded premises of a winery, provided the winery is operated under a Class 3 or Class 4 manufacturer's license and holds a Class A light wine license; and

(2) Purchase wine in sealed containers from the winery and sell the wine at the event in open containers at retail for consumption on the permit premises.

- (c) Each permit shall be cosigned by the winery hosting the event.

- (d) The permit fee under this section is \$15.

(e) A winery may not host more than 6 events under this section per calendar year.

§8-402.

- (a) This section applies only in Anne Arundel County.

(b) In this section, "Board" means the Anne Arundel County Board of License Commissioners.

(c) There is a Class BWLT beer, wine, and liquor (on-premises) tasting license, a BWT beer and wine (on-premises) tasting license, a WS wine sampling (on-premises) license, and a Class WT wine tasting (on-premises) license.

(d) (1) (i) A Class BWLT license may be issued only to a holder of a Class A beer, wine and liquor (off-premises) license.

(ii) A Class BWT license may only be issued to a holder of a Class A beer, wine and liquor (off-premises) license or a Class A beer and wine (off-premises) license.

- (2) The annual fee for a Class BWT license is \$150.

- (3) The annual fee for a Class BWLT license is \$500.

(4) The annual fee for a Class BWLT or BWT license is in addition to the Class A annual fee.

(5) A Class BWLT license authorizes a holder to permit the on-premises consumption of the following alcoholic beverages for tasting or sampling purposes only:

(i) Liquor to be served in a quantity of not more than one-half ounce from each of any of five brands to any one person per day;

(ii) Light wine to be served in a quantity of not more than 1 ounce from each given brand to any one person; and

(iii) Beer to be served in a quantity of not more than 3 ounces to any one person.

(6) The Class BWT license authorizes a holder to permit the on-premises consumption of the following alcoholic beverages for tasting or sampling purposes only:

(i) Light wine to be served in a quantity of not more than 1 ounce from each given brand to any one person; and

(ii) Beer to be served in a quantity of not more than 3 ounces to any one person.

(e) (1) The Board may issue a WS (wine sampling) license to bona fide nonprofit organizations.

(2) The WS license authorizes the consumption of wine for tasting or sampling purposes:

(i) On Class B beer and wine or beer, wine and liquor licensed premises with the consent of the licensee; or

(ii) On premises without a permanent alcoholic beverages license.

(3) The licensee may not serve more than 2 ounces from each brand to any 1 person.

(4) The bona fide nonprofit organization:

(i) Shall apply for a WS license at least 15 days prior to the day of issuance; and

(ii) May not be issued more than 12 WS licenses in any given license year.

(5) The daily license fee is \$15.

(6) The WS licensee may bring wine onto Class B licensed premises for

sampling or tasting purposes only.

(f) (1) A Class WT wine tasting (on-premises) license may only be issued to a holder of a Class BWL license or a holder of a Class BW license.

(2) A Class WT wine tasting (on-premises) license authorizes a holder to permit the on-premises consumption for tasting or sampling purposes only of light wine to be served in a quantity of not more than 1 ounce from each given brand to any one person.

(3) The annual license fee is:

(i) \$150 for a holder of a Class BWL license; and

(ii) \$50 for a holder of a Class BW license.

(g) The provisions of this section are not restricted by:

(1) The provisions in subsection (b) of § 12-107 of this article; and

(2) The provisions of law under § 9-102 of this article prohibiting the issuance of 2 licenses for the same premises.

(h) In the City of Annapolis, the Mayor and City Council may approve the issuance of a BWT license or a WS license. The fees for the licenses shall be set by the Mayor and City Council.

§8-403.

(a) The Baltimore City Board of License Commissioners may issue a WS (wine sampling) license to bona fide nonprofit organizations.

(b) The fee for this license is \$15 per day.

(c) The Board of License Commissioners may not grant more than 12 WS licenses to any 1 bona fide nonprofit organization in each license year.

(d) Application shall be made for this license at least 15 days before the date on which the license is issued.

(e) The WS license permits the transportation of wine and the consumption of wine for sampling purposes:

(1) On a Class B or Class B-D-7 licensed premises with the authorization of the respective holder; or

(2) On a premises that is not permanently licensed under this article.

(f) A holder may not serve more than 2 ounces of wine from a given brand to

any one person.

§8-403.1.

(a) The Baltimore City Board of License Commissioners may issue a 1-day Class BWT beer and wine (on-premises) tasting license.

(b) The Board may issue a maximum of 12 Class BWT licenses per year.

(c) The Board may issue a Class BWT license only to a Class A beer and light wine licensee or a Class A beer, wine and liquor licensee.

(d) (1) The Board shall set a fee for a Class BWT license.

(2) The fee for a Class BWT license is in addition to the Class A license annual fee.

(e) A holder of a Class BWT license may permit on-premises consumption of the following alcoholic beverages for tasting or sampling purposes only:

(1) Light wine, served in a quantity of not more than 1 ounce from a given brand to any one person; and

(2) Beer, served in a quantity of not more than 3 ounces from a given brand to any one person.

(f) At the end of the day for which a license is valid, a holder of a Class BWT license shall dispose of unconsumed alcoholic beverages remaining in a container opened for tasting or sampling.

(g) A Class BWT licensee is not restricted by:

(1) § 12-107(b) of this article; or

(2) § 9-102 of this article.

(h) A Class BWT licensee may exercise the privileges under the Class BWT license only during the hours and days provided for under the respective Class A license.

§8-403.2.

(a) This section applies only in:

(1) Ward 27, precincts 42 and 44 of the 41st Legislative District of Baltimore City;

(2) Ward 27, precincts 41 and 48 of the 43rd Legislative District of Baltimore City;

(3) Ward 11, precinct 5 of the 44th Legislative District of Baltimore City;
and

(4) The 3000 block of Frederick Avenue in ward 20, precinct 9 of the 44A Legislative District of Baltimore City, based on the Legislative Districting Plan of 2012.

(b) The Board of Liquor License Commissioners for Baltimore City may issue a Class BWLT beer, wine, and liquor (on-premises) tasting license to a holder of a Class A beer, wine and liquor license.

(c) (1) The fees for a Class BWLT license are as follows:

(i) \$20 for a daily tasting license, which may be issued not more than 12 times in any annual license year;

(ii) \$200 annually for a 26-day tasting license, which may be used consecutively or nonconsecutively;

(iii) \$300 annually for a 52-day tasting license, which may be used consecutively or nonconsecutively; and

(iv) \$750 annually for a tasting license that may be used daily throughout the year.

(2) The fees for a Class BWLT license are in addition to the Class A annual license fee.

(d) (1) A Class BWLT license authorizes the holder to allow the on-premises consumption of beer, light wine, and liquor for tasting or sampling.

(2) A person may consume beer, light wine, or liquor covered by a Class BWLT license in a quantity not exceeding:

(i) 1 ounce of light wine from a given brand in a single day;

(ii) 3 ounces of beer from a given brand in a single day; and

(iii) One-half ounce of liquor from a given brand in a single day.

(e) At the end of each day for which a Class BWLT license is valid, the holder of the license shall dispose of any unconsumed alcoholic beverage remaining in a container that was opened for tasting or sampling.

(f) (1) Each Class A license holder that seeks issuance of a Class BWLT license for which the holder is eligible shall apply for the license on forms provided by the Board of Liquor License Commissioners for Baltimore City.

(2) The forms provided by the Board of Liquor License Commissioners for Baltimore City under paragraph (1) of this subsection for licenses issued under

subsection (c)(1)(i) through (iii) of this section shall specify the date or dates on which the tasting is requested to occur.

(3) The application and payment for the daily license under subsection (c)(1)(i) of this section shall be submitted at least 7 days in advance of the tasting event or 7 days in advance of the first day of consecutive day tasting events.

(4) The application and payment for the 26-day tasting license and the 52-day tasting license shall be made at least 7 days in advance of the first proposed tasting event.

(5) The holder of a 26-day tasting license and a 52-day tasting license shall notify the Board of Liquor License Commissioners for Baltimore City, on forms approved by the Board of Liquor License Commissioners for Baltimore City, of additional tasting events authorized by the licenses.

(g) The provisions of this section are not restricted by:

(1) § 12-107(b) of this article; and

(2) The provisions in § 9-102 of this article that prohibit the issuance of two licenses for the same premises.

(h) The holder of a Class BWLT license may exercise the privileges of this section during the hours and days provided for under the holder's respective Class A license.

§8-404.

(a) (1) The Baltimore County Board of License Commissioners may issue a WS (wine sampling) permit to bona fide nonprofit organizations.

(2) The WS permit authorizes the consumption of wine for tasting or sampling purposes:

(i) On Class B licensed premises with the consent of the licensee; or

(ii) On premises without a permanent alcoholic beverages license.

(3) The permit holder may not serve more than 2 ounces from each brand to any 1 person.

(4) The bona fide nonprofit organization:

(i) Shall apply for a WS permit at least 15 days prior to the day of issuance; and

(ii) May not be issued more than 12 WS permits in any given license year.

(5) The permit fee is \$30 per day.

(6) The WS permit holder is authorized to bring wine onto Class B licensed premises for sampling or tasting purposes only.

(b) The provisions of this section are not restricted by the provisions in subsection (b) of § 12-107 of this article.

§8-404.1.

(a) This section applies in Baltimore County.

(b) The Board of License Commissioners may issue a Class BWT beer and light wine (on-premises) tasting license to the holder of a Class A beer and light wine license.

(c) The Board of License Commissioners may issue a Class BWLT beer, wine and liquor (on-premises) tasting license to a holder of a Class A beer, wine and liquor license.

(d) (1) The fees for a Class BWT and Class BWLT license are as follows:

(i) \$20 for a daily tasting license, which may be issued not more than 12 times in any annual license year;

(ii) \$200 annually for a 26-day tasting license, which may be used consecutively or nonconsecutively;

(iii) \$300 annually for a 52-day tasting license, which may be used consecutively or nonconsecutively; and

(iv) \$400 annually for a 104-day tasting license, which may be used consecutively or nonconsecutively.

(2) The fees for a Class BWT license and Class BWLT license are in addition to the Class A annual license fee.

(e) (1) The Class BWT license authorizes the holder to allow the on-premises consumption of light wine or beer for tasting.

(2) A person may consume light wine or beer covered by a Class BWT license in a quantity not exceeding:

(i) 1 ounce of light wine from all brands in a single day; and

(ii) 3 ounces of beer from all brands in a single day.

(f) (1) The Class BWLT license authorizes the holder to allow the on-premises consumption of beer, light wine, and liquor for tasting or sampling.

(2) A person may consume light wine, beer, or liquor covered by a Class BWLT license in a quantity not exceeding:

- (i) 1 ounce of light wine from all brands in a single day;
- (ii) 3 ounces of beer from all brands in a single day; and
- (iii) One-half ounce of liquor from all brands in a single day.

(g) At the end of each day for which a Class BWT or a Class BWLT license is valid, the holder of the license shall dispose of any unconsumed alcoholic beverage remaining in a container that was opened for tasting or sampling.

(h) (1) Each Class A license holder that seeks issuance of a BWT or BWLT license for which they are eligible shall apply for the type of tasting license authorized by this section on forms provided by the Board of License Commissioners.

(2) The forms provided by the Board of License Commissioners under paragraph (1) of this subsection shall specify the date or dates on which the tasting is requested to occur.

(3) The application and payment for the daily license shall be submitted at least 7 days in advance of the tasting event or 7 days in advance of the first day of consecutive day tasting events.

(4) The application and payment for the 26-day tasting license and the 52-day tasting license shall be made at least 7 days in advance of the first proposed tasting event.

(5) The holder of a 26-day tasting license and a 52-day tasting license shall notify the Board of License Commissioners, on forms approved by the Board, of additional tasting events authorized by the licenses.

(i) The provisions of this section are not restricted by:

(1) § 12-107(b) of this article; and

(2) The provisions in § 9-102 of this article which prohibit the issuance of two licenses for the same premises.

(j) The holder of a Class BWT or Class BWLT license may exercise the privileges of this section during the hours and days provided for under the holder's respective Class A license.

§8-404.1A.

(a) This section applies only in Calvert County.

(b) The Board of License Commissioners may issue a special beer, wine and

spirits tasting (BWST) license to a holder of a Class A beer and wine license or a Class A beer, wine and liquor license.

(c) (1) Subject to paragraph (2) of this subsection, a BWST license entitles a holder of:

(i) A Class A beer and wine license to allow tastings of wine or beer and wine; and

(ii) A Class A beer, wine and liquor license to hold tastings of wine, beer and wine, or beer, wine and liquor.

(2) To hold a tasting, a holder of a BWST license shall provide alcoholic beverages to consumers at no charge.

(d) A person may consume alcoholic beverages covered by a BWST license in a quantity not exceeding:

(1) 1 ounce from a single brand of beer or wine; and

(2) One-half ounce from a single brand of any other alcoholic beverage.

(e) A BWST license entitles the holder to hold tastings 365 days per year.

(f) A single tasting held under a BWST license may not exceed 3 hours.

(g) (1) An applicant for a BWST license shall submit to the Board of License Commissioners an application on the form that the Board of License Commissioners provides.

(2) The Board of License Commissioners may issue a BWST license without a hearing.

(3) A renewal of a BWST license shall be made at the time that the Class A beer and wine or Class A beer, wine and liquor license is renewed.

(h) The annual fee for a BWST license is:

(1) \$200, if the license is used for wine;

(2) \$250, if the license is used for beer or wine; and

(3) \$300, if the license is used for beer, wine and liquor.

§8-404.2.

(a) This section applies only in Caroline County.

(b) The Board of License Commissioners may issue a 1-day Class BWTS beer

and wine (on-premises) tasting or sampling license.

(c) A Class BWTS license may be issued only to a holder of a current alcoholic beverages license or an organization that qualifies for a special Class C beer or Class C beer and wine license under § 7-101(b) of this article.

(d) The license fee is \$50.

(e) A Class BWTS license authorizes the holder to permit the consumption of wine or beer for tasting or sampling, if the alcoholic beverages are given to consumers at no charge.

(f) A person may consume wine or beer covered by a Class BWTS license in a quantity not exceeding:

(1) 1 ounce from a single brand of wine, and 4 ounces from all brands in a single day; and

(2) 3 ounces from a single brand of beer, and 8 ounces from all brands in a single day.

(g) All consumption of alcoholic beverages shall occur on the licensed premises of the holder of the Class BWTS license.

(h) The Board of License Commissioners need not publish an application for a Class BWTS license before granting the license.

(i) A Class BWTS license may not be granted to a person more than 26 times in a calendar year.

(j) At the end of the day for which a Class BWTS license is valid, the license holder shall dispose of unconsumed alcoholic beverages remaining in a container opened for tasting or sampling.

§8-405.

(a) (1) In Carroll County, the Board of License Commissioners may approve the issuance of a wine tasting (WT) alcoholic beverages license.

(2) The license is issued only to holders of a beer, wine and liquor (BWL) or a beer and wine (BW) license.

(3) The license permits the consumption of wine authorized to be sold by the beer, wine and liquor license (BWL) or the beer and wine license (BW) for tasting or sampling purposes only and for which no consideration may be charged or exacted.

(4) The Board of License Commissioners shall regulate:

(i) The quantity of wine to be served to each person; and

(ii) The number of bottles of wine from which this quantity is being served.

(5) The annual license fee:

(i) For holders of a BWL license, is \$100 in addition to the cost of the BWL license; and

(ii) For holders of a BW license, is \$100 in addition to the cost of the BW license.

(b) The Carroll County Board of License Commissioners may adopt rules or regulations providing additional requirements to implement this section.

§8-405.1.

(a) This section applies only in Dorchester County.

(b) The Board of License Commissioners may issue a 1-day wine tasting (WT) alcoholic beverages license.

(c) (1) A WT license may be issued only to a holder of a beer, wine and liquor (BWL) license, a beer and wine (BW) license, or a Class A wine (W) license.

(2) A WT license permits the consumption of wine for tasting or sampling if:

(i) The licensee is authorized to sell the wine; and

(ii) A consideration for the wine is not charged or exacted from the consumer.

(d) A person may consume wine covered by a WT license in a quantity not exceeding:

(1) 1 ounce from a single brand; and

(2) 4 ounces from all brands in a single day.

(e) The fee for a WT license is \$25 per day.

(f) The Board of License Commissioners may not require the publication of an application for a WT license before granting the license.

§8-405.2.

(a) This section applies only in Dorchester County.

(b) (1) Subject to paragraph (2) of this subsection, the Board of License

Commissioners may issue a beer and wine sampling or tasting (BWST) license to a holder of a Class A license to hold tastings or samplings of beer or wine.

(2) A holder of a Class A beer license may use a BWST license to hold tastings or samplings of beer only.

(c) (1) A BWST license authorizes sampling or tasting of alcoholic beverages only on the licensed premises of the holder of a Class A license.

(2) The alcoholic beverages shall be offered to consumers at no charge.

(d) A person may consume alcoholic beverages covered by a BWST license in a quantity not exceeding:

(1) (i) 1 ounce from a single brand of wine; and

(ii) 4 ounces from all brands of wine in a single day; and

(2) (i) 3 ounces from a single brand of beer; and

(ii) 8 ounces from all brands of beer in a single day.

(e) (1) An application for a BWST license shall be made on a form supplied by the Board of License Commissioners.

(2) A BWST license may be issued without a public hearing.

(3) If an initial application for a BWST license is denied:

(i) The applicant may resubmit the application; and

(ii) On request from the applicant, the Board shall hold a public hearing on the application before determining whether to issue the license.

(4) A renewal of a BWST license may be made at the time the holder's Class A license is renewed.

(f) The fee for a BWST license is:

(1) \$150 for not more than 15 beer or wine tastings per year; or

(2) \$250 for not more than 30 beer or wine tastings per year.

(g) (1) The Board of License Commissioners may not require the publication of an application for a BWST license before issuing the license.

(2) The holder of a BWST license shall notify the Board in writing at least 7 days before the event at which the license is to be used.

(h) At the end of the day for which a BWST license is valid, the holder of the license shall properly dispose of alcoholic beverages that remain in a container opened for tasting or sampling.

§8-406.

(a) This section applies only in Frederick County.

(b) A beer and wine sampling or tasting (BWST) license may only be issued to a holder of a Class A license.

(c) The annual license fee is \$200.

(d) (1) Applications for a BWST license shall be made on forms supplied by the Board of License Commissioners.

(2) Renewals of the license may be made at the time the regular license is renewed.

(3) A license may be granted without a hearing.

(4) If application for a license is denied, the applicant may request a public hearing before the Board.

(e) (1) A holder of a BWST license may allow consumption by a single individual for sampling or tasting purposes of:

(i) Not more than 1 ounce of a given brand of light wine; and

(ii) Not more than 3 ounces of a given brand of beer.

(2) The bottles of wine that may be opened at any one time at a wine sampling or tasting event are:

(i) All of the bottles in a wine preservation system that the Board approves; and

(ii) Not more than six other bottles of wine opened by a holder of a solicitor's permit, the holder of the BWST license, or an employee of the license holder.

(3) A single individual may not consume more than 6 ounces of wine from all brands in a single day.

(4) The licensee shall notify the Board in writing at least 5 days prior to each event.

(5) Once opened, each bottle used for the beer and wine sampling or tasting event shall be marked that it is to be used for that purpose only.

(6) The contents of each bottle may not be mixed with any other bottle and all bottles shall be destroyed once they are empty.

(f) (1) A BWST license is for on-premises consumption only.

(2) Sampling or tasting of beer or wine may not be conducted from a drive-through window.

(g) The Board shall adopt regulations to carry out this section.

§8-406.1.

(a) This section applies only in Frederick County.

(b) The Board of License Commissioners may issue a beer, wine and liquor tasting (BWLTL) license.

(c) A beer, wine and liquor tasting license may be issued only to a holder of a Class A beer, wine and liquor license.

(d) A beer, wine and liquor tasting license authorizes the consumption of one-half an ounce of liquor from a given brand and 1.5 ounces from all brands by any one person in a single day for tasting and sampling purposes only.

(e) The limitations on the consumption of beer and wine under § 8-406 of this subtitle apply to a beer, wine and liquor tasting license.

(f) The bottles of wine that may be opened at any one time at a wine sampling or tasting event are:

(1) All bottles in a wine preservation system that the Board approves; and

(2) Not more than six other bottles of wine opened by a holder of a solicitor's permit, the holder of the BWLTL license, or an employee of the license holder.

(g) The Board shall set the annual fee for a beer, wine and liquor tasting license.

§8-406.2.

(a) This section applies only in Frederick County.

(b) The Board of License Commissioners may issue a 1-day multivenue wine (MVW) (on- and off-sale) license to a bona fide nonprofit organization.

(c) A holder of an MVW license may conduct simultaneous wine events at not more than five venues that are:

(1) Within walking distance of each other; and

(2) Located in districts that allow the consumption of wine.

(d) Under regulations that the Board of License Commissioners adopts, a holder of an MVW license at each wine event:

(1) May sell wine by the glass for on-premises consumption or by the bottle for off-premises consumption;

(2) May allow a holder of a Class 4 limited winery license to conduct a wine tasting; and

(3) Shall prohibit a guest from transporting wine from one venue to another.

§8-406.3.

(a) (1) In Garrett County, the Board of License Commissioners may issue a wine and beer tasting alcoholic beverages license.

(2) Notwithstanding any other provision of law, the Board of License Commissioners may issue a license only to holders of a beer, wine and liquor license or a beer and wine license.

(3) The license permits the consumption of wine or beer authorized to be sold by the beer, wine and liquor license or the beer and wine license for tasting or sampling purposes only and for which no consideration may be charged or exacted.

(4) The Board of License Commissioners shall regulate:

(i) The quantity of wine or beer to be served to each person; and

(ii) The number of bottles of wine or beer from which this quantity is being served.

(5) The annual license fee is \$100 in addition to the cost of the beer, wine and liquor license or the beer and wine license.

(6) In addition to the annual license fee, the Board of License Commissioners shall charge an issuing fee of \$100 for a wine and beer tasting alcoholic beverages license.

(7) The privileges granted by this wine and beer tasting license may not be exercised during the Maryland Wine Festival.

(b) The Board of License Commissioners may adopt rules or regulations providing additional requirements to implement this section.

§8-407.

(a) In Harford County, subject to the provisions of subsections (c) and (d) of this section, the Liquor Control Board may issue:

- (1) A CWBT license to holders of a Class A1 BWL license; and
- (2) A WBT license to holders of a Class A BW license.

(b) (1) The CWBT license permits the on-premises consumption of cordials, wine, beer, and liquor for tasting or sampling purposes only.

(2) The WBT license permits the on-premises consumption of wine and beer for tasting or sampling purposes only.

(c) (1) The holder of a Class A1 BWL license may apply for and the Liquor Control Board may issue a CWBT license that is effective for a maximum of:

- (i) Any 26 days in a licensing period;
- (ii) Any 52 days in a licensing period; or
- (iii) 365 days in a licensing period.

(2) The fees for a CWBT license under this subsection are:

- (i) For a license that is effective for any 26 days in a licensing period,
\$125;
- (ii) For a license that is effective for any 52 days in a licensing period,
\$200; and
- (iii) For a license that is effective for 365 days in a licensing period,
\$400.

(d) (1) The holder of a Class A BW license may apply for and the Liquor Control Board may issue a WBT license that is effective for a maximum of:

- (i) Any 26 days in a licensing period;
- (ii) Any 52 days in a licensing period; or
- (iii) 365 days in a licensing period.

(2) The fees for a WBT license under this subsection are:

- (i) For a license that is effective for any 26 days in a licensing period,
\$100;

(ii) For a license that is effective for any 52 days in a licensing period, \$150; and

(iii) For a license that is effective for 365 days in a licensing period, \$225.

(e) A licensee that is issued a CWBT or a WBT license under this section for any 26 days in a licensing period or any 52 days in a licensing period shall notify the Liquor Control Board at least 7 days prior to exercising the provisions of the tasting or sampling license, of the licensee's intent to have a tasting or sampling.

(f) Tasting and sampling servings per person are limited to:

(1) 1 ounce of each given brand of beer or wine;

(2) One-half ounce of each given brand of cordial; and

(3) One-half ounce of each brand of any other alcoholic beverage.

(g) The Liquor Control Board may adopt regulations providing additional requirements to implement this subsection.

§8-408.

(a) In Howard County, the Board of License Commissioners may issue a WS (wine sampling) license to bona fide nonprofit organizations.

(b) The WS license permits the consumption of wine only for tasting or sampling purposes on Class B licensed premises with authorization of the licensee or on nonlicensed premises.

(c) The licensee may not serve more than 2 ounces from each given brand to any one person.

(d) The bona fide nonprofit organization shall apply for a WS license at least 15 days prior to the day on which the license will be used.

(e) The Board of License Commissioners may not issue more than 12 WS licenses to any 1 bona fide nonprofit organization in any given license year.

(f) The cost of the WS license is \$15 per day.

(g) The WS license shall permit the applicant to carry wine onto the premises for wine sampling purposes with the authorization of the owner or licensee of a Class B license.

§8-408.1.

(a) (1) In Howard County, the Board of License Commissioners may issue a

beer and wine tasting (BWT) alcoholic beverages license.

(2) Notwithstanding any other provision of law, a BWT license may be issued to a holder of:

- (i) A Class A beer, wine and liquor (BWL) license; or
- (ii) A Class A beer and wine (BW) license.

(3) A BWT license authorizes the on–premises consumption, for tasting or sampling only, of:

- (i) Beer; or
- (ii) Wine containing not more than 15.5% of alcohol by volume.

(4) A holder of a BWT license may not serve:

(i) Wine in a quantity of more than 1 ounce from each given brand and no more than 4 ounces from all brands to any one person in a single day; or

(ii) Beer in a quantity of more than 3 ounces from each given brand and no more than 8 ounces from all brands to any one person in a single day.

(5) The annual license fee for a BWT license is \$100 in addition to the fee of any other alcoholic beverages license.

(b) (1) In Howard County, the Board of License Commissioners may issue a beer, wine and liquor tasting (BWL) alcoholic beverages license.

(2) Notwithstanding any other provision of law, a BWLT license may be issued to a holder of a Class A beer, wine and liquor (BWL) license.

(3) A BWLT license authorizes the on–premises consumption, for tasting or sampling only, of:

- (i) Beer;
- (ii) Wine containing not more than 15.5% of alcohol by volume; or
- (iii) Liquor.

(4) A holder of a BWLT license may not serve:

(i) Wine in a quantity of more than 1 ounce from each given brand and not more than 4 ounces from all brands to any one person in a single day;

(ii) Beer in a quantity of more than 3 ounces from each given brand and not more than 8 ounces from all brands to any one person in a single day; or

(iii) Liquor in a quantity of more than 1/4 ounce from each given brand and not more than 1 ounce from all brands to any one person in a single day.

(5) The annual license fee for a BWLT license is \$100 in addition to the fee for any other alcoholic beverages license.

(c) The Howard County Board of License Commissioners may adopt rules or regulations providing additional requirements to implement this section.

§8-408.2.

(a) In this section, “special event – education” means an event at which a speaker provides instruction on how to develop a foundation of alcoholic beverages knowledge, including:

- (1) Styles of beer, wine, and liquor;
- (2) Methods of tasting beer, wine, and liquor;
- (3) Pairing food and beer, wine, and liquor; and
- (4) Serving, storing, and buying beer, wine, and liquor.

(b) (1) In Howard County, the Board of License Commissioners may issue a special event – education beer and wine tasting (BWT) alcoholic beverages permit.

(2) Notwithstanding any other provision of law, a special event – education BWT permit may be issued to a holder of:

- (i) A Class A beer, wine, and liquor (BWL) license; or
- (ii) A Class A beer and wine (BW) license.

(3) A special event – education BWT permit authorizes the on–premises consumption, for tasting or sampling only, of:

- (i) Beer; or
- (ii) Wine containing not more than 15.5% of alcohol by volume.

(4) A holder of a special event – education BWT permit may provide, to a consumer who has preregistered for a special event – education, beer or wine from the holder’s inventory at a prorated charge that covers the cost of the event, including alcoholic beverages, snacks, and a speaker.

(5) A holder of a special event – education BWT permit may not serve:

(i) Wine in a quantity of more than 1 ounce from any individual brand and no more than 6 ounces in the aggregate to any one person in a single day; or

(ii) Beer in a quantity of more than 2 ounces from any individual brand and no more than 6 ounces in the aggregate to any one person in a single day.

(6) The annual permit fee for a special event – education BWT permit is \$100 in addition to the fee for any other alcoholic beverages license.

(c) (1) In Howard County, the Board of License Commissioners may issue a special event – education beer, wine and liquor tasting (BWL) alcoholic beverages permit.

(2) Notwithstanding any other provision of law, a special event – education BWLT permit may be issued to a holder of a Class A beer, wine and liquor (BWL) license.

(3) A special event – education BWLT permit authorizes the on–premises consumption, for tasting or sampling only, of:

(i) Beer;

(ii) Wine containing not more than 15.5% of alcohol by volume; or

(iii) Liquor.

(4) A holder of a special event – education BWLT permit may provide, to a consumer who has preregistered for a special event – education, beer, wine, or liquor from the holder’s inventory at a prorated charge that covers the cost of the event, including alcoholic beverages, snacks, and a speaker.

(5) A holder of a special event – education BWLT permit may not serve:

(i) Wine in a quantity of more than 1 ounce from any individual brand and not more than 6 ounces in the aggregate to any one person in a single day;

(ii) Beer in a quantity of more than 2 ounces from any individual brand and not more than 6 ounces in the aggregate to any one person in a single day; or

(iii) Liquor in a quantity of more than 1/2 ounce from any individual brand and not more than 3 ounces in the aggregate to any one person in a single day.

(6) The annual permit fee for a special event – education BWLT permit is \$100 in addition to the fee for any other alcoholic beverages license.

(d) The Howard County Board of License Commissioners may adopt regulations providing additional requirements to implement this section.

§8–408.3.

(a) This section applies only in Kent County.

(b) The Board of License Commissioners may issue a beer or wine tasting (BWT) license to the holder of a Class A beer and wine license or a Class A beer, wine and liquor license.

(c) A BWT license authorizes, for tasting purposes only, the on-premises consumption of:

- (1) Wine that contains not more than 22% alcohol by volume; or
- (2) Beer.

(d) A holder of a BWT license may allow consumption by a single individual in a single day of:

(1) Not more than 2 ounces of a given brand and not more than 4 ounces from all brands of wine; or

(2) Not more than 2 ounces of beer from any given brand and not more than 6 ounces from all brands of beer.

(e) A BWT license holder may not conduct a wine tasting and a beer tasting on the same day.

(f) The annual BWT license fee is \$200.

(g) The selection of wine or beer offered at a tasting is not limited to wine or beer produced in the State.

(h) The holder of a BWT license may offer for sale beer permitted for tasting if:

(1) The beer is sold in refillable containers that are sealed by the holder of the BWT license; and

(2) Unsold beer is returned to the provider.

§8-408.4.

(a) This section applies only in Montgomery County.

(b) In this section, “Board” means the Montgomery County Board of License Commissioners.

(c) (1) Subject to paragraph (2) of this subsection, the Board may issue a beer and wine sampling or tasting (BWST) license to a holder of a Class A license to hold tastings or samplings of beer or wine.

(2) A holder of a Class A wine license may use a BWST license to hold tastings or samplings of wine only.

(d) The annual license fee for a BWST license is \$200.

(e) (1) A BWST license authorizes sampling or tasting of alcoholic beverages only on the licensed premises of the holder of a Class A license.

(2) A holder of a BWST license may allow consumption by a single individual for sampling or tasting purposes of not more than:

(i) 1 ounce from a single brand of wine;

(ii) 4 ounces from all brands of wine in a single day;

(iii) 3 ounces from a single brand of beer; and

(iv) 12 ounces from all brands of beer in a single day.

(3) Once opened, each bottle used for the beer and wine tasting or sampling shall be marked that it is to be used for that purpose only.

(4) The holder of a BWST license shall notify the Board in writing at least 7 days before each sampling or tasting event.

(f) (1) An application for a BWST license shall be made on a form supplied by the Board.

(2) A BWST license may be issued without a public hearing.

(3) If an initial application for a BWST license is denied, the applicant may request a public hearing before the Board.

(4) The Board may not require the publication of an application for a BWST license before issuing the license.

(5) A renewal of a BWST license may be made at the time the holder's Class A license is renewed.

(g) The provisions of this section are not restricted by:

(1) § 12-107(b) of this article; and

(2) The provisions in § 9-102 of this article that prohibit the issuance of two licenses for the same premises.

§8-409.

(a) (1) In Prince George's County, the Board of License Commissioners may approve the issuance of a beer tasting license, a wine tasting license, and a beer/wine tasting license.

(2) (i) A wine tasting or beer/wine tasting license is issued only to holders of a beer, wine and liquor (BWL) or a beer and wine (BW) license.

(ii) 1. A beer tasting or beer/wine tasting license is issued only to holders of a beer, wine and liquor (BWL) or a beer and wine (BW) license.

2. Holders of a beer (B) license may be issued only a beer tasting license.

(3) (i) A wine tasting or beer/wine tasting license permits the consumption of wine, containing not more than 15.5 percent of alcohol by volume, for tasting or sampling purposes only.

(ii) A beer tasting or beer/wine tasting license allows the consumption of beer for tasting or sampling purposes only.

(4) (i) A wine tasting or beer/wine tasting licensee may not serve more than 1 ounce from each given brand of wine to any one person.

(ii) A beer tasting or beer/wine tasting licensee may not serve more than 3 ounces from each brand of beer to any one person.

(5) (i) The annual fee of a beer tasting or wine tasting license:

1. For holders of a BWL license, is \$120 in addition to the cost of the BWL license;

2. For holders of a BW license, is \$120 in addition to the cost of the BW license; and

3. For holders of a B license, is \$110 in addition to the cost of the B license.

(ii) The Board of License Commissioners shall set the annual fee for a beer/wine tasting license.

(b) (1) In Prince George's County, the Board of License Commissioners may issue a beer, wine, and liquor tasting (BWLTL) license.

(2) A beer, wine, and liquor tasting license may be issued only to holders of a beer, wine and liquor license.

(3) A beer, wine, and liquor tasting license authorizes the consumption of one-half an ounce of liquor from a given brand and 1.5 ounces from all brands by any one person in a single day for tasting and sampling purposes only.

(4) The limitations on the consumption of beer and wine under subsection (a)(4) of this section apply to a beer, wine, and liquor tasting license.

(5) The Board shall set the annual fee for a beer, wine, and liquor tasting license.

(c) The Prince George's County Board of License Commissioners may adopt rules or regulations providing additional requirements to implement this section.

§8-410.1.

(a) This section applies to Queen Anne's County.

(b) (1) The Board of License Commissioners may issue a wine tasting (WT) alcoholic beverages license.

(2) A WT license authorizes, for tasting or sampling only, the on-premises consumption of wine that contains not more than 22% of alcohol by volume.

(3) Notwithstanding any other law, the license may be issued to a holder of a Class A beer, wine and liquor license or a Class A beer and wine license.

(4) The licensee may serve:

(i) Not more than 2 ounces from each given brand to any one person;
and

(ii) Not more than 4 ounces to any one person in a single day.

(5) The annual license fee for a WT license is \$100 in addition to the fee for any other alcoholic beverages license.

(c) The Board of License Commissioners may adopt regulations to carry out this section.

§8-410.2.

(a) This section applies only in Queen Anne's County.

(b) The Board of License Commissioners may issue a beer, wine and liquor tasting (BWLT) license.

(c) A BWLT license may be issued only to a holder of a Class A beer, wine and liquor license.

(d) (1) A BWLT license authorizes the consumption for tasting purposes only of:

(i) Not more than 1 ounce of beer from each given brand and 4 ounces from all brands;

(ii) Not more than 2 ounces of wine from each given brand and 4

ounces from all brands; and

(iii) Not more than one-half ounce of liquor from each given brand and 1.5 ounces from all brands.

(2) The limits on consumption specified in paragraph (1) of this subsection apply to one individual in a single day.

(e) The annual license fee for the BWLT license is \$100 in addition to the fee for any other alcoholic beverages license held by the license holder.

§8-410.3.

(a) This section applies only in Somerset County.

(b) (1) The Board of License Commissioners may issue a beer and wine tasting (BWT) alcoholic beverages license.

(2) Notwithstanding any other provision of law, the Board of License Commissioners may issue a BWT license to a holder of a beer, wine and liquor license or a beer and wine license.

(3) A BWT license authorizes the consumption of beer or wine that may be sold under the beer, wine and liquor license or the beer and wine license for tasting purposes only and for which no consideration may be charged.

(4) The Board of License Commissioners shall regulate:

(i) The quantity of beer or wine to be served to each person; and

(ii) The number of bottles of beer or wine from which this quantity is being served.

(c) (1) In addition to the cost of the beer, wine and liquor license or the beer and wine license, the annual BWT license fee is \$150.

(2) In addition to the annual BWT license fee, the issuing fee is \$100.

(d) The privileges granted by this BWT license may not be exercised during a festival event.

(e) The Board of License Commissioners may adopt regulations to implement this section.

§8-410.4.

(a) This section applies only in St. Mary's County.

(b) The Board of License Commissioners may issue a 1-day Class BWTS beer

and wine (on-premises) tasting or sampling license.

(c) A Class BWTS license may be issued only to a holder of a current alcoholic beverages license or an organization that qualifies for a special Class C beer, special Class C beer and wine license, or a special Class C beer, wine and liquor license under § 7-101(r) of this article.

(d) The license fee is \$50.

(e) A Class BWTS license authorizes the holder to allow the consumption of wine or beer for tasting or sampling, if the alcoholic beverages are given to consumers at no charge.

(f) A person may consume wine or beer covered by a Class BWTS license in a quantity not exceeding:

(1) 1 ounce from a single brand of wine, and 4 ounces from all brands in a single day; and

(2) 3 ounces from a single brand of beer, and 8 ounces from all brands in a single day.

(g) All consumption of alcoholic beverages shall occur on the licensed premises of the holder of the Class BWTS license.

(h) The Board of License Commissioners need not publish an application for a Class BWTS license before granting the license.

(i) A Class BWTS license may not be granted to a person more than 12 times in a calendar year.

(j) At the end of the day for which a Class BWTS license is valid, the license holder shall dispose of unconsumed alcoholic beverages remaining in a container opened for tasting or sampling.

§8-411.

(a) This section applies only in Washington County.

(b) A special wine tasting license (WTL) may be issued only to a holder of a Class A (off-sale) beer, wine and liquor license.

(c) The annual license fee is \$200, in addition to the annual license fee of a Class A (off-sale) beer, wine and liquor license.

(d) The Board of License Commissioners may issue a special wine tasting license (WTL) to permit on-premises consumption of wine for tasting or sampling purposes only.

(e) The holder of a special wine tasting license may not charge for the wine tasting or sampling.

(f) The license is effective for use no more than 12 days in a licensing year. The licensee shall notify the Board in writing at least 10 days in advance of any scheduled tasting date.

(g) Servings are limited to no more than 2 ounces of any one wine to any one customer.

(h) The Board may adopt regulations to implement the provisions of this section.

§8-412.

(a) In this section, “license” means a beer tasting (BT) license, a wine tasting (WT) license, or a beer/wine tasting (BWT) license.

(b) This section applies only in Wicomico County.

(c) (1) The Board of License Commissioners may issue a:

(i) Beer tasting (BT) license for beer tasting and sampling;

(ii) Wine tasting (WT) license for wine tasting and sampling; and

(iii) Beer/wine tasting (BWT) license for beer or wine tasting and sampling.

(2) A license may be issued only to a holder of a Class A beer and wine (off-sale) license or a Class A beer, wine and liquor (off-sale) license.

(d) The annual fee is:

(1) For a BT license, \$150;

(2) For a WT license, \$150; and

(3) For a BWT license, \$250.

(e) (1) An application for a license shall be made on a form that the Board of License Commissioners provides.

(2) A renewal of the license may be made at the time the Class A beer and wine (off-sale) license or the Class A beer, wine and liquor (off-sale) license is renewed.

(3) The Board of License Commissioners may grant a license without a hearing.

(4) If application for a license is denied, the applicant may request a public

hearing before the Board of License Commissioners.

(f) (1) An individual may be served, for sampling or tasting purposes, not more than:

(i) 1 ounce of wine from each brand; or

(ii) 3 ounces of beer from each brand.

(2) A maximum of:

(i) Six bottles of wine may be open at any one time at a wine or beer and wine sampling or tasting event; or

(ii) Six containers of beer may be open at any one time at a beer or beer and wine sampling or tasting event.

(3) The total number of days during which beer, wine, or beer and wine sampling or tasting events may be held may not exceed 50 in any period for which a license is in effect.

(4) A license holder shall notify the Board of License Commissioners in writing at least 5 days before a beer, wine, or beer and wine sampling or tasting event.

(5) Once opened, each bottle or container used for a beer, wine, or beer and wine sampling or tasting event shall be marked that it is to be used for that purpose only.

(6) The contents of each bottle or container may not be mixed with any other bottle or container, and all bottles and containers shall be destroyed once they are empty.

(g) (1) A license is for on-premises consumption only.

(2) Beer, wine, or beer and wine sampling or tasting may not be conducted from a drive-through window.

(h) The Board of License Commissioners may adopt regulations to carry out this section.

§8-501.

(a) This section applies only in Carroll County.

(b) There is a Class C (golf course) beer, wine and liquor (on-sale) license.

(c) The license may be issued for the use of a golf course or organization that:

(1) Is open to the public;

- (2) Is operated for profit;
- (3) Owns real estate in the county; and
- (4) Has a golf course with a minimum of 9 holes.

(d) The annual license fee is \$1,500.

(e) Subject to the approval of the Board of License Commissioners, the licensee may sell beer, wine and liquor for consumption only on the land and in the buildings which are part of the golf course.

(f) A patron need not be seated to be served.

(g) The hours and days of sale are as specified in § 11-507 of this article.

§8-501.1.

(a) This section applies only in Cecil County.

(b) There is a Class GC (golf course) beer, wine and liquor (on-sale) license.

(c) The Board of License Commissioners may issue a Class GC license for use by an organization or country club that:

- (1) Is public or private;
- (2) Is operated for profit;
- (3) Owns real estate in the county; and
- (4) Has a regular or championship golf course with a minimum of 18 holes.

(d) The annual license fee is \$2,000.

(e) A Class GC license authorizes the licensee to sell beer, wine, and liquor for consumption only on the land and in the buildings, including the clubhouse, that are used for golfing purposes.

(f) A patron need not be seated to be served.

(g) A prohibition on the distance that licensed premises must be from a structure used as a hospital, house of worship, or school does not apply to a Class GC licensee.

(h) The hours and days of sale are as specified for a Class C licensee under § 11-508 of this article.

§8-502.

- (a) This section applies only in Charles County.
- (b) A licensee may sell and a person may consume alcoholic beverages allowed under the license on the grounds of any publicly or privately owned golf course.

§8-503.

- (a) This section applies only in Harford County.
- (b) There is a Class GC (golf course) beer, wine and liquor license.
- (c) The licensee shall own or operate a golf course that:
 - (1) Is open to the public;
 - (2) Is operated for profit; and
 - (3) Has a minimum of 18 holes.
- (d) The annual license fee is \$3,500.
- (e) The licensee may sell beer, wine and liquor for consumption only on the land and in the buildings, including the clubhouse, used for golfing purposes.
- (f) A patron need not be seated to be served.
- (g) The hours and days for sale are as specified in § 11-513(b)(1) of this article.
- (h) The prohibition on the distance a licensee must remain from a church or school specified in § 9-213 of this article does not apply to Class GC (golf course) licensees.

§8-504.

- (a) This section applies only in Howard County.
- (b) In this section, “Board” means the Board of License Commissioners.
- (c) The Board may issue a 7-day Class GC (golf course) beer and light wine license or a 7-day Class GC (golf course) beer, wine and liquor license.
- (d) A license may be issued on behalf of an organization that owns or manages a golf course with a minimum of 18 holes.
- (e) The annual license fee is:
 - (1) \$350 for a 7-day Class GC (golf course) beer and light wine license; and

(2) \$1,500 for a 7-day Class GC (golf course) beer, wine and liquor license.

(f) The license is for the sale and consumption of alcoholic beverages on the licensed premises.

(g) The hours and days for sale are found in § 11-514 of this article. However, the Board may reduce the hours and days for sale for all or a portion of the licensed premises.

(h) The Board may place conditions on the location of sales and consumption, including:

(1) Prohibiting the sale and consumption of liquor on specified areas of premises with a Class GC (golf course) beer, wine and liquor license; and

(2) Permitting the sale and consumption of only beer and light wine on specified areas of premises with a Class GC (golf course) beer, wine and liquor license.

(i) The Board may restrict the sale of alcoholic beverages to beer and light wine on premises with a Class GC (golf course) beer, wine and liquor license if the Board determines that circumstances warrant.

§8-505.

(a) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Prince George’s County Board of License Commissioners.

(3) “Commission” means the Maryland–National Capital Park and Planning Commission.

(b) (1) The Board may issue special 7–day Class B–GC (golf course) on–sale beer, wine, and liquor licenses for the exclusive use on the premises of the Commission’s golf courses located within Prince George’s County.

(2) The special 7–day Class B–GC on–sale beer, wine, and liquor license authorizes the holder to sell beer, wine, and liquor from 1 or more outlets for consumption on the premises of the golf course.

(3) (i) A separate license is required for each applicable golf course.

(ii) A special 7–day Class B–GC on–sale beer, wine, and liquor license shall be issued to each of the managers of the Commission’s golf courses upon making application and qualifying as a license holder under this article.

(4) (i) Except as provided in this subsection, the hours of sale for beer, wine, and liquor under this license are from 9 a.m. to 10 p.m. daily, Monday through

Sunday.

(ii) The Commission may:

1. Reduce the hours of sale of beer, wine, and liquor under this license; and

2. Discontinue the sale of beer, wine, and liquor under this license from Labor Day through Memorial Day.

(5) The annual fee for a special 7-day Class B-GC on-sale beer, wine, and liquor license is \$500.

§8-505.1.

(a) This section applies only in Washington County.

(b) In this section, "Board" means the Board of License Commissioners.

(c) (1) The Board may issue a 6-day Class C (golf course) beer and wine (on-sale) license and a 6-day Class C (golf course) beer, wine and liquor (on-sale) license.

(2) The Board may issue a Sunday Class C (golf course) beer and wine (on-sale) license and a Sunday Class C (golf course) beer, wine and liquor (on-sale) license.

(d) A license may be issued to a public golf course or organization that has a regular or championship golf course with a minimum of nine holes.

(e) The annual license fee is:

(1) \$750 for a 6-day Class C (golf course) beer and wine (on-sale) license;

(2) \$1,000 for a 6-day Class C (golf course) beer, wine and liquor (on-sale) license;

(3) \$250 for a Sunday Class C (golf course) beer and wine (on-sale) license; and

(4) \$250 for a Sunday Class C (golf course) beer, wine and liquor (on-sale) license.

(f) Subject to the approval of the Board of License Commissioners, a licensee under this section may sell alcoholic beverages for consumption only on the land and in the buildings, including the clubhouse, used for golfing purposes.

(g) A patron need not be seated to be served alcoholic beverages.

(h) (1) The hours and days of sale are as specified in § 11-522 of this article.

(2) The Board may reduce a licensee's hours of sale of alcoholic beverages for all or a portion of the licensed premises.

§8-506.

(a) This section applies only in Wicomico County.

(b) There is a Class B beer, wine and liquor (golf course) license.

(c) The license may be issued to a golf course or organization that:

(1) Is open to the public;

(2) Is operated for profit;

(3) Owns real estate in the county; and

(4) Has a golf course with a minimum of 18 holes.

(d) The annual license fee is \$2,200.

(e) The licensee may sell beer, wine, and liquor for consumption only on the land and in the buildings, including the clubhouse, used for golfing purposes.

(f) A patron need not be seated to be served.

(g) All alcoholic beverages, other than beer and light wine, sold or offered for sale shall be purchased from the Liquor Control Board, and each bottle shall be stamped or otherwise designated "on-sale only" by the Board.

(h) The hours and days for sale are as specified in § 11-523 of this article.

(i) (1) This license may be issued only for a golf course that has the average daily receipts from the sale of food for each month exceed the average daily receipts from the sale of alcoholic beverages.

(2) In calculating average daily receipts from the sale of food, an allocation of foodstuff contained in a mixed drink may not be included in average daily receipts from the sale of food.

§8-507.

(a) This section applies only in Worcester County.

(b) There is a Class C (golf course) beer, wine and liquor (on-sale) license.

(c) The license may be issued for the use of a golf course or organization that:

- (1) Is open to the public;
- (2) Is operated for profit;
- (3) Owns real estate in the county; and
- (4) Has a golf course with a minimum of 18 holes.

(d) The annual license fee is \$2,625.

(e) Subject to the approval of the Board of License Commissioners, the licensee may sell beer, wine and liquor for consumption only on the land and in the buildings that are part of the golf course.

(f) A patron need not be seated to be served.

(g) The hours and days of sale are as specified in § 11-524 of this article.

§8-507.1.

(a) This section applies only in Caroline County.

(b) There is a Class GC 7-day (golf course) beer, wine and liquor license.

(c) The license may be issued to a golf course or organization that:

- (1) Is open to the public;
- (2) Is operated for profit;
- (3) Owns real estate in the county; and
- (4) Has a golf course with a minimum of 18 holes.

(d) The annual license fee is \$1,600.

(e) The licensee may sell beer, wine, and liquor for consumption only on the land and in the buildings, including the clubhouse, used for golfing purposes.

(f) A patron need not be seated to be served.

(g) The hours and days for sale for a Class GC 7-day (golf course) beer, wine and liquor license are from 6 a.m. to 2 a.m. the following day, on Monday through Sunday.

§8-508.

(a) This section applies only to a golf course that is:

- (1) Located on land that is owned by Baltimore City; and

(2) Operated by a Baltimore City golf course manager or a golf course manager under a management agreement with Baltimore City.

(b) (1) The Board of Liquor License Commissioners for Baltimore City may issue a special Class M-G beer, wine and liquor license for use at a municipal golf course.

(2) The Class M-G license may be issued to a golf course manager.

(c) The annual license fee is \$600.

(d) A Class M-G license may be used to sell beer, wine, and liquor for consumption only on the land and in the facilities used for golfing purposes.

(e) (1) The licensee may designate an agent to sell beer, wine, and liquor at the golf course.

(2) The agent shall be considered the vendor for collecting and remitting the sales and use tax.

(f) On request of Baltimore City and subject to § 10-503(d) of this article, the Board of Liquor License Commissioners for Baltimore City may transfer a Class M-G license to a different golf course manager.

(g) The Board of Liquor License Commissioners for Baltimore City shall adopt regulations to carry out this section.

§8-509.

(a) This section applies only to a golf course that is:

(1) Located on land that is owned by St. Mary's County; and

(2) Operated by a St. Mary's County golf course manager or a golf course manager under a management agreement with St. Mary's County.

(b) (1) The St. Mary's County Alcohol Beverage Board may issue a special Class M-G beer, wine and liquor license for use at a municipal golf course.

(2) The Class M-G license may be issued to a golf course manager.

(c) The annual license fee is \$600.

(d) A Class M-G license may be used to sell beer, wine, and liquor for consumption only on the land and in the facilities used for golfing purposes.

(e) (1) The licensee may designate an agent to sell beer, wine, and liquor at the golf course.

(2) The agent shall be considered the vendor for collecting and remitting

the sales and use tax.

(f) On request of St. Mary's County, the St. Mary's County Alcohol Beverage Board may transfer a Class M-G license to a different golf course manager.

(g) The St. Mary's County Alcohol Beverage Board shall adopt regulations to carry out this section.

§8-601.

(a) In Baltimore County the owner or owners of any regular licensed racing establishment, or the concessionaire or catering organization at such place, whether an individual, association or corporation, shall without additional residential, voting or locative qualifications be entitled to procure a license for the sale of beer and light wine within the confines of its racing park in said county, at a cost for such license of \$25.00 per day; and shall be entitled to procure a license for the sale of beer, wine and liquor within the confines of its racing park in said county, at a cost for such license of \$50.00 per day, and shall entitle the holder to sell at one or more locations within its said park. Such licenses and the licensees thereunder shall be subject to all laws, rules and regulations applicable in Baltimore County to the sale of alcoholic beverages, not inconsistent with the provisions of this section.

(b) The provisions of this section are not restricted by the provisions in subsection (b) of § 12-107 of this article.

§8-602.

(a) In Howard County the owner or owners of any regularly licensed racing establishment, whether individual, association of individuals, or a corporation, shall be entitled to procure a license for the sale of any and all alcoholic beverages within the confines of its racing park in the county.

(b) The cost for such license shall be \$1,000.00 each calendar year, payable to the Howard County Director of Finance. The license shall entitle the holder to sell at one or more locations within its said park.

(c) Such licenses and the licensees thereunder shall be subject to all laws, rules and regulations applicable in Howard County to the sale of alcoholic beverages, not inconsistent with the provisions of this section.

§8-603.

(a) In Worcester County the owner or owners of any regular licensed horse racing establishment, holding public meetings at which pari-mutuel betting is permitted, or the concessionaire or catering organization at that place, whether an individual, association or corporation, may procure without additional residential, voting or locative qualifications, a license for the sale of beer or beer and light wine within the confines of its racing park in the county, at the same cost for other beer and

beer and light wine licenses in the county.

(b) The person may procure a license for the sale of beer, wine and liquor within the confines of its racing park in the county, for a fee of \$1,500 each year, which entitles the holder to sell at one or more locations within its park.

(c) The licenses and the licensees are subject to all laws and regulations applicable in Worcester County to the sale of alcoholic beverages not inconsistent with the provisions of this section.

(d) (1) Except as provided in paragraph (2) of this subsection, all licensees shall purchase all liquors and wines, except light wine, from the Worcester County Department of Liquor Control. The licensee shall receive at least a 15 percent discount from the retail sales price or any special sale price or discount price, whichever is lower. All licensees may purchase beer and light wine from licensed wholesalers.

(2) Beginning on July 1, 2014, a licensee may elect to purchase wine and liquor from a licensed wholesaler under § 15–204(e) of this article.

§8–701.

(a) In this section, “drafthouse” means a theatre where motion pictures are shown to the public and where the patrons can purchase food, beer, wine and liquor on the premises while watching the motion picture.

(b) This section only applies in Frederick County.

(c) There is a Class B-DH (drafthouse) license.

(d) (1) A Class B-DH (drafthouse) license shall be issued by the office where Class B licenses are issued in the county in which the drafthouse is located.

(2) The license authorizes the holder to keep for sale and sell beer, wine and liquor at retail in any drafthouse described in the license for consumption on the premises only.

(e) (1) The annual license fee is \$1,500.

(2) The annual license fee shall be paid before any license is issued and the fee shall be distributed as provided in this article.

(f) Applicants for this license shall:

(1) Have a minimum auditorium size of 3,500 square feet;

(2) Have a minimum investment in tangible property, including kitchen equipment, furniture, and interior improvements, of at least \$150,000;

(3) Present a family matinee every Saturday and holiday that the theatre

is open for business;

(4) Submit to the Board of License Commissioners for its prior written approval the menu the drafthouse intends to offer, which shall include both hot and cold food;

(5) Provide beer, wine and liquor at tables and seats in the drafthouse, but may not have a bar except for a service bar; and

(6) Except when showing a family matinee, make beer, wine and liquor available for purchase only prior to and during the motion picture show, but all service shall cease at the end of the program. When showing a family matinee, alcoholic beverages may not be made available.

(g) The hours and days for sale are as provided in § 11-511 of this article.

(h) The licensee may charge an admission fee.

(i) All motion pictures shown at the drafthouse shall comply with the provisions of § 10-405 of this article.

§8-702.

(a) In this section, “drafthouse” means a theatre where motion pictures are shown to the public and where the patrons can purchase food, beer, and wine to consume on the premises while watching the motion picture.

(b) This section applies only in the City of Greenbelt, Prince George’s County.

(c) There is a Class B-DH (drafthouse) license.

(d) (1) A Class B-DH (drafthouse) license shall be issued by the office where Class B licenses are issued in the county in which the drafthouse is located.

(2) The license authorizes the holder to keep for sale and sell beer and wine at retail in any drafthouse described in the license for consumption on the premises only.

(e) (1) The annual license fee is \$245.

(2) The annual license fee shall be paid before any license is issued and the fee shall be distributed as provided in this article.

(f) Applicants for this license shall:

(1) Have a minimum auditorium size of 3,500 square feet;

(2) Have a minimum investment in tangible property, including kitchen equipment, furniture, and interior improvements, of at least \$150,000;

(3) Present a family matinee every Saturday and holiday that the theatre is open for business;

(4) Submit to the Board of License Commissioners for its prior written approval the menu the drafthouse intends to offer, which shall include both hot and cold food;

(5) Provide beer and wine at tables and seats in the drafthouse, but may not have a bar except for a service bar; and

(6) Except when showing a family matinee, make beer and wine available for purchase only prior to and during the motion picture show, but all service shall cease at the end of the program.

(g) The hours and days for sale are as provided in § 11-517(k) of this article.

(h) The Board of License Commissioners shall determine the number of Class B-DH (drafthouse) licenses to be issued.

§8-801.

(a) In this section, “Board” means the Board of License Commissioners of Baltimore City.

(b) This section applies only in Baltimore City.

(c) The Board may issue a special festival license for participation in a beer festival to be held on Class B retail licensed premises or on nonlicensed premises located in Baltimore City.

(d) Notwithstanding any other provisions of this article, an applicant for a special festival license shall be the holder of an existing Class 5 brewery, Class 6 pub-brewery, Class 7 micro-brewery, or Class 8 farm brewery manufacturer’s license issued under this article. Each manufacturer in the beer festival shall obtain a license.

(e) A special festival licensee shall display and sell beer at retail for consumption on the licensed premises on the hours and days designated for the festival.

(f) The products displayed and sold by a special festival licensee shall be:

(1) Products owned and produced by the licensee and provided by the licensee;

(2) Products not owned and produced by the licensee and provided by the retail licensee if the event is held on a Class B licensed premises; or

(3) Products not owned and produced by the licensee and directly obtained

from wholesalers authorized to distribute their products in Baltimore City if the festival is held on a nonlicensed premises.

(g) This section does not prohibit the holder of a special festival license from holding another alcoholic beverage license of a different class or nature.

(h) The license fee is \$50 per day.

(i) The Board may designate no more than two times during a calendar year for a beer festival for which special festival licenses may be issued.

(j) Each special festival license may be in effect for a period not to exceed 3 days.

(k) The Board may adopt regulations to implement this section.

§8-802.

(a) The Baltimore County Board of License Commissioners may issue a special beer festival license.

(b) Notwithstanding any other provision to the contrary, an applicant for a special beer festival license shall be a holder of an existing retail alcoholic beverages license issued in the State, Class 5 brewery license, Class 7 micro-brewery license, or Class 8 farm brewery license issued in accordance with this article.

(c) A special beer festival license entitles the holder to display and sell at retail beer for consumption on or off the licensed premises on the days and for the hours designated for the special beer festival in Baltimore County.

(d) The license fee is \$50.

(e) The provisions of this section may not prohibit the licensee from holding another alcoholic beverages license of a different class or nature.

(f) The Baltimore County Board of License Commissioners:

(1) Except for the dates chosen for the Cumberland and Shenandoah Valley Wine Festival in Washington County, the Maryland Wine Festival in Carroll County, and the Anne Arundel County Beer and Wine Festival, shall approve one weekend annually for the special beer festival;

(2) Shall approve a location in Baltimore County for the special beer festival which does not hold an alcoholic beverages license; and

(3) Shall ensure that the primary focus of the special beer festival is the promotion of Maryland beer.

(g) The Baltimore County Board of License Commissioners shall adopt regulations for implementing this section.

§8–803.

(a) In this section, “Board” means the Board of License Commissioners for Frederick County.

(b) The Board may issue a special beer festival license.

(c) A special beer festival license entitles the holder to display and sell at retail beer for consumption on or off the licensed premises on the days and for the hours designated for the special beer festival in Frederick County.

(d) Notwithstanding any other provision of this article, an applicant for a special beer festival license shall be the holder of a current retail alcoholic beverages license issued in the State, a Class 5 brewery license, a Class 7 micro–brewery license, or a Class 8 farm brewery license.

(e) The license fee is \$15.

(f) The Board shall:

(1) Approve four weekends annually for the special beer festival that does not fall on the dates chosen for the Cumberland and Shenandoah Valley Wine Festival in Washington County or the Maryland Wine Festival in Carroll County;

(2) Approve for the special beer festival:

(i) A nonlicensed premises in Frederick County; or

(ii) Subject to subsection (g) of this section, the premises in Frederick County of a holder of a stadium on-sale license; and

(3) Ensure that the primary focus of the special beer festival is the promotion of Maryland beer.

(g) If a special beer festival is held on the premises in Frederick County of a holder of a stadium on-sale license, the holder may not sell any alcoholic beverages during the festival.

(h) This section does not prohibit the licensee from holding another alcoholic beverages license of a different class or nature.

(i) The Board shall adopt regulations to carry out this section.

§8–804.

(a) In this section, “Board” means the Wicomico County Board of License Commissioners.

(b) This section applies only in Wicomico County.

(c) (1) The Board may issue a special beer festival license.

(2) A special beer festival license may be used only at a beer festival held on nonlicensed premises located in Wicomico County.

(d) (1) Notwithstanding any other provision in this article, an applicant for a special beer festival license shall be the holder of an existing Class 5 brewery, Class 6 pub–brewery, Class 7 micro–brewery, or Class 8 farm brewery manufacturer’s license issued under this article.

(2) Each manufacturer that participates in the beer festival shall obtain a special beer festival license.

(e) A special beer festival licensee may display and sell beer at retail for consumption on the licensed festival premises only on the hours and days designated for the festival.

(f) The products displayed and sold by a special beer festival licensee shall be products owned and manufactured by the licensee.

(g) This section does not prohibit a special beer festival licensee from holding another alcoholic beverages license of a different class or nature.

(h) The license fee is \$50 per day.

(i) Each special beer festival license may be in effect for a period not exceeding 3 days.

(j) The Board may:

(1) Adopt regulations to implement this section; and

(2) Designate the number of times during a calendar year that a special beer festival license may be issued.

§8–805.

(a) In this section, “Board” means the Board of License Commissioners for Carroll County.

(b) The Board may issue a special beer festival license.

(c) A special beer festival license entitles the holder to display and sell at retail beer for consumption on or off the licensed premises on the days and for the hours designated for the special beer festival in Carroll County.

(d) Notwithstanding any other provision of this article, an applicant for a special beer festival license shall be the holder of a current retail alcoholic beverages license issued in the State, a Class 5 brewery license, a Class 7 micro–brewery license, or a

Class 8 farm brewery license.

(e) The license fee is \$50 for a one-day or two-day festival.

(f) The Board shall:

(1) Approve one weekend for the special beer festival that does not fall on the dates chosen for the Cumberland and Shenandoah Valley Wine Festival in Washington County, or the Maryland Wine Festival in Carroll County, or the Anne Arundel Beer and Wine Festival;

(2) Approve a nonlicensed premises in Carroll County for the special beer festival; and

(3) Ensure that the primary focus of the special beer festival is the promotion of Maryland beer.

(g) This section does not prohibit the licensee from holding another alcoholic beverages license of a different class or nature.

(h) The Board shall adopt regulations to carry out this section.

§8-806.

(a) The Alcoholic Beverage Board of St. Mary's County may issue a special beer festival (BF) license.

(b) Notwithstanding any other law, an applicant for a special BF license shall be a holder of an existing retail alcoholic beverages license issued in the State authorizing the sale of beer, a State Class 5 brewery license, a State Class 6 pub-brewery license, a State Class 7 micro-brewery license, or a Class 8 farm brewery license.

(c) A holder of a special BF license shall display and sell only beer that is:

(1) Manufactured and processed in any state;

(2) Price filed in accordance with regulations adopted by the Comptroller;

(3) Distributed in the State at the time the application is filed; and

(4) Sold at retail on the days and for the hours designated for the festival for consumption on or off the licensed premises.

(d) The license fee is \$15.

(e) This section does not prohibit the holder of a special BF license from holding another alcoholic beverages license of a different class or nature.

(f) The Alcoholic Beverage Board of St. Mary's County shall:

(1) Approve one weekend annually for the beer festival that does not fall on the dates chosen for the Sotterley Wine Festival;

(2) Approve a location in Historic St. Mary's City for this festival; and

(3) Ensure that the primary focuses of the festival are both the promotion of Maryland beer and tourism in Historic St. Mary's City.

(g) The Alcoholic Beverage Board of St. Mary's County shall adopt regulations for carrying out this section.

§8-807.

(a) In this section, "Board" means the Garrett County Board of License Commissioners.

(b) This section applies only in Garrett County.

(c) The Board may issue annually not more than two beer festival licenses.

(d) Notwithstanding any other provision of this article, an applicant for a festival license shall be a holder of a:

(1) Retail alcoholic beverages license issued by the Board;

(2) Class 5 brewery license;

(3) Class 6 pub-brewery license;

(4) Class 7 micro-brewery license; or

(5) Class 8 farm brewery license.

(e) A holder of a beer festival license may:

(1) Only display and sell beer that is:

(i) Manufactured and processed in any state; and

(ii) Distributed in the State when the application is filed; and

(2) Display and sell beer at retail for consumption on or off the licensed premises on the days and for the hours designated for a beer festival.

(f) For a beer festival license, the Board shall:

(1) Establish a fee;

(2) Approve a fixed period of time for the festival of up to 2 consecutive

days, excluding Sunday; and

(3) Approve a festival location in the County for which a license has not been issued.

(g) (1) A product to be displayed and sold at a beer festival shall be:

(i) Invoiced to the holder of the beer festival license by a licensed State wholesaler or holder of a Class 5 brewery license, Class 6 pub–brewery license, Class 7 micro–brewery license, or Class 8 farm brewery license; and

(ii) Delivered to the beer festival from the licensed premises of the wholesaler.

(2) When a beer festival license is issued, a holder of a wholesaler’s license, a Class 5 brewery license, a Class 6 pub–brewery license, a Class 7 micro–brewery license, or a Class 8 farm brewery license may enter into an agreement with the holder of the beer festival license to deliver beer 2 days before the effective date of the beer festival license and to accept returns not later than 2 days after the expiration date of the beer festival license.

(h) A beer festival license issued for a location at which Sunday sales are allowed under § 11–512(c) of this article authorizes Sunday sales:

(1) To begin at 1 p.m.; and

(2) To be made without a consumer placing an order for a meal simultaneously or before placing an order for an alcoholic beverage.

(i) The Board shall adopt regulations to carry out this section.

§8–808.

(a) In this section, “Board” means the Howard County Board of License Commissioners.

(b) The Board may issue a special beer festival license.

(c) A special beer festival license entitles the holder to display and sell at retail beer for consumption on or off the licensed premises on the days and for the hours designated for the special beer festival in Howard County.

(d) Notwithstanding any other provision of this article, an applicant for a special beer festival license shall be the holder of a current retail alcoholic beverages license issued in the State, a Class 5 brewery license, a Class 7 micro–brewery license, or a Class 8 farm brewery license.

(e) The license fee is \$50 for a 1–day or 2–day festival.

(f) The Board shall:

(1) Approve one weekend for the special beer festival;

(2) Approve an unlicensed premises in Howard County for the special beer festival; and

(3) Ensure that the primary focus of the special beer festival is the promotion of Maryland beer.

(g) This section does not prohibit the licensee from holding another alcoholic beverages license of a different class or nature.

(h) The Board shall adopt regulations to carry out this section.

§8–809.

(a) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Montgomery County Board of License Commissioners.

(3) “Festival” means the Montgomery County Beer Festival.

(4) “Festival organization” means a nonprofit organization that is selected by Montgomery County in accordance with subsection (b) of this section to organize a festival.

(b) In selecting a nonprofit organization to be a festival organization, Montgomery County shall ensure that the nonprofit organization has extensive experience in organizing and managing large-scale public events.

(c) Under the supervision of the Montgomery County Department of Liquor Control, the county each year may conduct the Montgomery County Beer Festival on not more than four weekends that a festival organization selects.

(d) A festival organization may contract with holders of a current Montgomery County retail alcoholic beverages license, a State Class 5 brewery license, a State Class 6 pub-brewery license, a State Class 7 micro-brewery license, or a State Class 8 farm brewery license to sell and display beer at the festival.

(e) On the days and for the hours designated for the festival, beer may be displayed and sold at retail:

(1) For consumption on the premises; and

(2) For consumption off the premises in sealed containers.

(f) A festival organization:

(1) Shall choose for the festival a location in the county that may be a licensed or an unlicensed premises; and

(2) Shall ensure that the primary focus of the festival is the promotion of Maryland beer.

(g) (1) Before a person may sell, offer for sale, or display beer at a festival, the person must contract with the festival organization and obtain a special beer festival license from the Board.

(2) The Board may issue a special beer festival license.

(3) The license fee is \$30 for each day of the festival.

(4) Notwithstanding any other provision of law, a person may hold a special beer festival license in addition to another license issued under this article.

(5) The Board may deny a special beer festival license to any applicant, suspend or revoke a special beer festival license, or impose a fine not exceeding \$20,000 if the applicant or license holder violates a provision of this article or the regulations of the Board.

(6) Notwithstanding any other provision of law, all license fees collected under this subsection shall be deposited into the general fund of the county.

(h) The Board shall adopt regulations for implementing this section.

§8-901.

(a) This section applies only in Carroll County.

(b) In this section, "Board" means the Board of License Commissioners.

(c) The Board may approve the issuance of a beer tasting (BT) alcoholic beverages license.

(d) The license may be issued only to holders of a beer, wine and liquor (BWL) or a beer and wine (BW) license.

(e) The license permits the consumption of beer authorized to be sold by the beer, wine and liquor license (BWL) or the beer and wine license (BW) for tasting or sampling purposes only. Consideration may not be charged or exacted.

(f) The Board shall regulate:

(1) The quantity of beer to be served to each person;

(2) The number of bottles or other containers of beer from which this quantity is being served; and

(3) The size of the bottles or other containers.

(g) The annual license fee:

(1) For holders of a BWL license is \$100 in addition to the cost of the BWL license; and

(2) For holders of a BW license is \$100 in addition to the cost of the BW license.

(h) The Board may adopt regulations providing additional requirements to implement this section.

§8-902.

(a) This section applies only in Washington County.

(b) In this section, “Board” means the Board of License Commissioners.

(c) The Board may issue a beer tasting (BT) alcoholic beverages license.

(d) The license may be issued only to a holder of a Class A or Class B beer and wine (BW) license or a Class A or Class B beer, wine and liquor (BWL) license in the county.

(e) (1) The BT license permits the consumption of beer for tasting purposes only.

(2) To hold a beer tasting, a holder of the BT license shall provide beer to consumers at no charge.

(f) The Board shall regulate:

(1) The quantity of beer to be served to each person;

(2) The number of bottles or other containers of beer from which this quantity is being served; and

(3) The size of the bottles or other containers.

(g) (1) The annual BT license fee is \$100.

(2) The fee is in addition to the BW license fee or the BWL license fee.

(h) The Board may adopt regulations to carry out this section.

§8-9A-01.

(a) This section applies only in Carroll County.

(b) In this section, “Board” means the Board of License Commissioners for Carroll County.

(c) The Board may approve the issuance of a liquor tasting license.

(d) The liquor tasting license may be issued only to holders of a Class A beer, wine and liquor license.

(e) (1) The liquor tasting license authorizes the consumption of liquor authorized to be sold by the beer, wine and liquor license holder for tasting or sampling purposes only.

(2) To hold a liquor tasting, a holder of a liquor tasting license shall provide liquor to consumers at no charge.

(f) A person may consume liquor at a liquor tasting in a quantity not exceeding:

(1) One-half ounce from a single sample of liquor; and

(2) Five samples in a single day.

(g) The annual fee for the liquor tasting license is \$100.

(h) A liquor tasting license is valid for not more than 52 days a year and may be used on consecutive or nonconsecutive days.

(i) The Board may adopt regulations to carry out this section.

§8-9A-02.

(a) In this section, “Board” means the Board of License Commissioners for Washington County.

(b) This section applies only in Washington County.

(c) An application for a special liquor tasting license (LTL) shall be made on a form that the Board provides.

(d) A special liquor tasting license (LTL) may be issued only to a holder of a Class A (off-sale) beer, wine and liquor license.

(e) The annual license fee is \$300 for 12 tastings and \$500 for 24 tastings.

(f) The Board may issue a special liquor tasting license (LTL) to permit on-premises consumption of liquor for tasting or sampling purposes only.

(g) The holder of a special liquor tasting license may not charge for the liquor tasting or sampling.

(h) (1) The license is effective for use no more than 12 days in a licensing year for a 12-tasting license and 24 days in a licensing year for a 24-tasting license.

(2) The licensee shall notify the Board in writing at least 10 days in advance of any scheduled tasting date.

(3) A licensee may not hold more than one liquor, beer, or wine tasting event on the same day.

(i) (1) A maximum of four bottles may be open at any one time at a liquor tasting event.

(2) The contents of each bottle may not be mixed with any other bottle, and all bottles shall be destroyed once they are empty.

(j) Servings are limited to no more than one-half ounce of any one liquor to any one customer and only four samples per customer.

(k) The Board may adopt regulations to implement the provisions of this section.
§8-1001.

(a) In this section, “district” means:

(1) A designated Maryland main street with a local management authority;

(2) A designated revitalization area; or

(3) An area with a revitalization plan that has been adopted locally.

(b) This section applies only in Prince George’s County.

(c) There is a Class B-RD license.

(d) (1) A Class B-RD (revitalization district) license shall be issued by the office where Class B licenses are issued in the county.

(2) The license authorizes the holder to keep for sale and sell liquor at retail in any premises licensed for Class B-RD sales.

(3) Only on-sale consumption is permitted.

(e) The annual license fee is \$725.

(f) All applicants for this license shall:

(1) Be located and remain within a district;

- (2) Have gross sales:
 - (i) That do not exceed \$150,000 per year; and
 - (ii) Of which at least 80 percent are derived from the sale of food; and
- (3) Be primarily a restaurant at which patrons are seated to eat.

(g) The hours and days for sale are as provided in § 11-517 of this article.

(h) The Board of License Commissioners shall determine the number of Class B-RD (revitalization district) licenses to be issued.

§9–101.

(a) (1) A license may not be issued to a partnership, to a corporation, or to a limited liability company, but only to individuals authorized to act for a partnership, corporation, or limited liability company who shall assume all responsibilities as individuals, and be subject to all of the penalties, conditions and restrictions imposed upon licensees under the provisions of the Tax – General Article that relate to the alcoholic beverage tax and the provisions of this article. If the application is made for a partnership, the license shall be applied for and be issued to all the partners as individuals, all of whom shall have resided in the city or county in which the place of business is located for at least 2 years prior to the application.

(2) (i) In Montgomery County, if the application is made for a partnership, the license shall be applied for and issued to at least 2 general partners as individuals, at least one of whom is a resident of the State and resides there at the time of the application. If there is only one general partner, the license shall be issued to that partner as an individual, if that partner is a resident of the State and resides there at the time of application.

(ii) 1. In Baltimore County, if the application is made for a partnership, the license shall be applied for and issued to at least two general partners as individuals, at least one of whom is a registered voter of any county of the State or of the City of Baltimore and resides there at the time of application.

2. If there is only one general partner, the Board of License Commissioners shall issue the license to that partner as an individual, if the partner is a registered voter of any county or of the City of Baltimore and resides there at the time of the application.

3. The provisions of this subparagraph may not be construed to waive any of the requirements under §§ 9–102, 9–102.2, and 9–301 of this article.

(3) (i) In Harford County, the applicant shall be a bona fide resident of Harford County for at least 1 year before filing the application and shall remain a resident as long as the license is in effect.

(ii) The applicant is not required to be a registered voter.

(4) In Prince George's County, if an application is made for a sole proprietorship or partnership, the license shall be applied for and issued to all partners as individuals, one of whom shall have resided in the State for at least 1 year prior to the application, is a registered voter in the State, and shall continue to be a bona fide resident of the State as long as the license is in effect.

(5) (i) 1. In Frederick County, if an alcoholic beverages license application is made for a partnership, the license shall be applied for and issued to 3 individuals.

2. None of the 3 individuals need to be partners. However, all 3 individuals shall be authorized in writing to act for the partnership by making application for and becoming holders of the license for partnership.

3. Of the 3 individuals, 1 shall be a registered voter at the time of application and prior thereto and be a resident of Frederick County for at least 2 years prior to making application.

4. The names of all of the partners shall be stated on the application.

(ii) If a corporation, partnership, or limited liability company is a partner of the partnership for which application is being made, the applicants shall state on the application:

1. The name of any owner of more than 33 percent of the stock in the corporate partner;

2. The name of any owner of more than 33 percent of ownership interest of the partnership partner; or

3. The name of any member with more than a 33 percent interest in the limited liability company partner.

(6) (i) This paragraph applies only to licenses issued by the State Comptroller.

(ii) If a license application is made for a partnership, the license shall be issued to three individuals, each of whom shall qualify as follows:

1. An individual general partner; or

2. When a general partner is a corporation, an officer of the corporation as an individual.

(iii) If less than three general partners or corporate officers exist,

then a license may be issued to all of the general partners or officers qualified under subparagraph (ii)2 of this paragraph.

(iv) In each instance under this paragraph, at least one of the applicants shall be:

1. A resident of the State for at least 2 years preceding the filing of the applications; and

2. A registered voter of the State.

(v) This paragraph may not be construed to waive any of the requirements under § 9–102 of this article.

(7) (i) This paragraph applies only in Wicomico County.

(ii) 1. If a stadium beer and light wine license application is made for a partnership, the license shall be applied for and issued to three individuals.

2. None of the three individuals need be partners. However, all three individuals shall be authorized in writing to act for the partnership by making application for and becoming holders of the license for the partnership.

3. Of the three individuals, one shall be a registered voter at the time of application and for 1 year prior to then and be a resident of Wicomico County for at least 2 years prior to making application.

4. The names of all of the partners shall be stated on the application.

(iii) If a corporation, partnership, or limited liability company is a partner of the partnership for which application is being made, the applicants shall state on the application:

1. The name of any owner of more than 33 percent of the stock in the corporate partner;

2. The name of any owner of more than 33 percent of ownership interest of the partnership partner; or

3. The name of any member with more than 33 percent interest in the limited liability company partner.

(b) (1) (i) Except as provided in subparagraph (ii) of this paragraph, if the application is made for a corporation, or a club, whether incorporated or unincorporated, the license shall be applied for by and be issued to three of the officers of that corporation or club, as individuals, for the use of the corporation or club, at least one of whom shall be a registered voter and taxpayer of the county or city, or

State of Maryland when the application is filed with the Comptroller, and shall also have resided therein, at least two years prior to the application.

(ii) In Montgomery County, an individual who is a resident of the State meets the registered voter, taxpayer, and residency requirements under subparagraph (i) of this paragraph.

(2) The application shall also set forth the names and addresses of all of the officers of the corporation or club and shall be signed by the president or vice president, as well as by three officers to whom the license shall be issued. The application for every license shall disclose the name and address of the corporation, partnership or association, as well as the name and address of the applicant.

(3) For an application for any Class E, Class F or Class G license, the application may be made by any three officers or employees residing in this State, duly authorized by the corporation to apply for the license.

(4) The provisions of this subsection with reference to an applicant being a registered voter, taxpayer or resident of the State of Maryland do not apply when three principal officers of a corporation make application for a Class G license.

(5) This section does not apply to “racetrack licenses” or to “beach and amusement park licenses” issued in Anne Arundel County.

(6) In the case of a corporation where there are less than three officers or directors of the corporation, all officers or directors shall make the application as provided in this section.

(7) In the event there are no officers or directors of a close corporation, at least one stockholder may make the application as provided in this section, if there is an affirmative vote of the stockholders holding a majority of the stock.

(c) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, if the application is made for a limited liability company, the license shall be applied for by and be issued to 3 of the authorized persons of that limited liability company, as individuals, for the use of the limited liability company, at least 1 of whom shall be a registered voter and taxpayer of the county or city, or the State when the application is filed with the Comptroller, and shall also have resided there at least 2 years before the application.

(ii) In Baltimore City, an authorized person of a limited liability company who holds an alcoholic beverages license for the use of the limited liability company that was granted on or before June 1, 2012, need not be a registered voter in Baltimore City.

(iii) In Montgomery County, an individual who is a resident of the State meets the registered voter, taxpayer, and residency requirements under subparagraph (i) of this paragraph.

(2) The application shall also set forth the names and addresses of each of the authorized persons and shall be signed by the 3 authorized persons to whom the license shall be issued.

(3) (i) The application for each license shall disclose the name and address of the limited liability company and the name and address of the applicant.

(ii) Notwithstanding item (i) of this paragraph, in the case of an application for Class E, Class F, or Class G license, the application may be made by any 3 authorized persons or employees residing in the State, duly authorized by the limited liability company to apply for the license.

(4) The provisions of this subsection with reference to an applicant being a registered voter, taxpayer, or resident of the State do not apply when 3 members of a limited liability company make application for a Class G license.

(5) (i) This section does not apply to “racetrack licenses” or to “beach and amusement park licenses” issued in Anne Arundel County.

(ii) In the case of a limited liability company in which there are less than 3 authorized persons of the limited liability company, all authorized persons shall make the application as provided in this section.

(d) (1) This subsection applies only in Prince George’s County.

(2) If the application is made for a corporation or a club, whether incorporated or unincorporated, or for a limited liability company, the license shall be applied for by and be issued to 3 of the officers of a corporation or club, or 3 of the authorized persons of a limited liability company, as individuals, for the use of the corporation, club, or limited liability company.

(3) In addition to the provisions of subsection (a)(3) of this section, a license may not be issued, renewed, or transferred to an individual applying on behalf of a corporation, unincorporated association, or limited liability company, unless bona fide residents of the State own 25 percent of the total issued capital stock of the corporation or unincorporated association or 25 percent of the interests of the limited liability company, as the case may be.

(4) The application for a license shall:

(i) Set forth the names and addresses of all the officers of the corporation or club or of all the authorized persons of a limited liability company;

(ii) Be signed by the president or vice president of a corporation or club or the 3 officers or authorized persons, as the case may be, to whom the license is issued;

(iii) Disclose the name and address of the corporation, club,

partnership, association, or limited liability company as well as the names and addresses of the applicants; and

(iv) In the case of a corporation where there are less than 3 officers or directors of the corporation, or in the case of a limited liability company where there are less than 3 authorized persons, all officers, directors, or authorized persons, as the case may be, shall make the application.

(5) If a close corporation has no officers or directors, in order to make the application:

(i) At least 25 percent of the stock shall be held by State residents;

(ii) There shall be an affirmative vote of the stockholders holding a majority of the stock;

(iii) At least 1 stockholder shall apply for the license as provided in this section; and

(iv) The applicants or the corporation shall furnish annually to the Board of License Commissioners a sworn statement giving the name and address of each stockholder of the corporation and the number of shares that each stockholder owns in his name on which he has a right to vote at any stockholder meeting.

(6) This section does not apply to racetrack licenses, Class BLX licenses, arena licenses, Class BCE (catering) licenses, Class B–CC (convention center) licenses, Class B/ECF (educational conference facility) licenses, issuance, renewal, or transfer of Class B–DD (development district) licenses, or to businesses whose sales of stock or interests are authorized for sale by the Securities and Exchange Commission of the United States.

(e) (1) In Howard County the applicants for a new license or the transfer of an existing license for the use of a corporation or limited liability company shall certify that the following requirements shall be maintained as long as the licensee is the holder of the license:

(i) That the qualifying individual owns a minimum of 10 percent of the stock in the corporation or interest in the limited liability company; or

(ii) That the qualifying individual shall serve as the manager or supervisor and shall be physically present on a full–time basis at the licensed premises to conduct the daily business involving transactions concerning alcoholic beverages sales.

(2) The stock or interest ownership requirement provided for in paragraph (1) of this subsection does not apply:

(i) To a corporation for which shares of stock or a limited liability

company for which interests are authorized for sale by the Securities and Exchange Commission of the United States; or

(ii) To a corporation in which a majority of the shares of stock or a limited liability company in which a majority of the interests are owned or controlled either directly or indirectly by one or more corporations or limited liability companies whose shares of stock or interests are so traded.

(3) The corporations and limited liability companies provided for in paragraph (2) of this subsection shall maintain one applicant as a manager or supervisor physically present on a full-time basis at the licensed premises to conduct the daily business involving transactions concerning alcoholic beverages sales.

(4) Individuals applying for a license on behalf of corporations or limited liability companies shall submit an executed copy of the articles of incorporation or articles of organization, as the case may be, and a schedule showing names, addresses, and percentages of all stockholders holding a minimum of 5 percent of the shares of stock of a corporation or of all members holding a minimum of 5 percent of the interests of a limited liability company. The schedule requirement shall not apply in the case of a corporation whose shares of stock or a limited liability company whose interests are authorized for sale by the Securities and Exchange Commission of the United States.

(f) (1) In Queen Anne's County, a beer, wine and liquor license, Class A (off-sale) may not be issued to an individual for the use of a partnership, corporation, or limited liability company unless the owners of 75 percent of the total issued capital stock or interests of the partnership, corporation, or limited liability company are bona fide residents of Queen Anne's County, and have been bona fide residents of the county for two years next preceding the application for this license.

(2) The qualifying corporation under this subsection may not have more than 1 class of common stock authorized by its charter.

(g) (1) In Queen Anne's County, an applicant for an alcoholic beverage license to be issued for the benefit of a corporation or limited liability company is not required to be a resident of Queen Anne's County. However, each applicant applying on behalf of a corporation or limited liability company shall be a resident of the State of Maryland and the owner of not less than 15 percent of the total outstanding shares of common stock of the corporation or 15 percent of the interests of the limited liability company which would be entitled to vote at any meeting of stockholders or members. The qualifying corporation under this subsection may not have more than 1 class of common stock authorized by its charter. The provisions of this paragraph do not apply to Class A beer, wine and liquor licenses.

(2) In addition, the applicants or the corporation or limited liability company shall furnish annually to the Board of License Commissioners a sworn statement giving the name and address of each stockholder of the corporation and the number of shares that each stockholder owns in his name on which he has a right

to vote at any stockholder meeting, or the name and address of each member of the limited liability company and interest that each member owns in the member's name on which the member has a right to vote at a meeting of members.

(3) The Board of License Commissioners may require any other data and information regarding the background and prior activities of the applicants as it considers necessary.

(4) This subsection does not apply to or affect any license issued prior to May 1, 1976.

(5) The following license requirements do not apply when granting a Class B beer, wine and liquor on-sale license for use in a conference center:

(i) The residency requirement under paragraph (1) of this subsection;

(ii) The ownership requirement under paragraph (1) of this subsection; and

(iii) The annual sworn statement requirement under paragraph (2) of this subsection.

(h) In Wicomico County, a Class A (off-sale) beer, wine and liquor license may not be issued to an individual or partnership unless they have a Class B (on-sale) beer, wine and liquor restaurant 7-day license and have been in operation for not less than 3 months prior to the application for the license. A Class A (off-sale) beer, wine and liquor license may not be issued to any corporation or limited liability company unless the applicants (1) own or are owners of 75 percent of the total issued capital stock of the corporation or the limited liability company, as the case may be, and (2) have a Class B (on-sale) beer, wine and liquor restaurant 7-day license, and (3) have been in operation for not less than 3 months prior to the application for the license.

(i) (1) In Worcester County, an alcoholic beverage license, except a Class B beer, wine and liquor license, may not be issued to a corporation or limited liability company unless one of the applicants has been a registered voter, a taxpayer and a resident of Worcester County and owns at least 10 percent of the total issued capital stock of the corporation or 10 percent of the interests of the limited liability company, as the case may be.

(2) Any license holder holding a license issued prior to May 1, 1977 is exempt from this subsection.

(3) In addition, the applicants for the corporation or limited liability company shall furnish the Board of License Commissioners a sworn statement giving the name and address of each stockholder of the corporation or member of the limited liability company and the number of voting shares that each stockholder or member owns.

(j) (1) In Cecil County, if a license is issued to individuals as officers of a corporation or authorized persons of a limited liability company and there is a change in 1 or more officers of a corporation or authorized persons of a limited liability company, the corporation or limited liability company, as the case may be, shall provide written notice by certified mail to the Board of License Commissioners within 30 days after installation of the new officers or authorized persons.

(2) The written notice furnished by the corporation or limited liability company to the Board of License Commissioners shall be accompanied by a \$5 fee and a sworn statement giving the name and address of each new officer or authorized person, the office held, and the previous officer's or authorized person's name and address.

(3) Upon receipt of written notification of a change in corporate officers or authorized persons of a limited liability company, the Board of License Commissioners shall issue a revised license listing the individuals as current officers of the corporation or current authorized persons of the limited liability company.

(k) In Harford County, if the application is made for a corporation, whether incorporated or unincorporated or for a limited liability company:

(1) Application for the license shall be by and be issued to 3 of the officers holding a pecuniary interest in the corporation or 3 of the authorized persons holding a pecuniary interest in the limited liability company, as individuals, for the use of the corporation or limited liability company, as the case may be.

(2) (i) In addition to the provisions of paragraph (1) of this subsection, 1 of the applicants shall be a bona fide resident of the county.

(ii) The license shall remain valid only so long as the resident applicant remains a resident of the county.

(3) The resident applicant shall:

(i) 1. Except an applicant for a Class B (beer, wine and liquor) license as provided in item 2 of this item, own at least 25 percent of the total business; or

2. If the applicant is applying for a Class B (beer, wine and liquor) license, own at least 10 percent of the total business;

(ii) Serve as manager or supervisor; and

(iii) Be physically present on the premises a substantial amount of time on a daily basis.

(4) Paragraph (3) of this subsection relating to the resident applicant applies to any license issued or transferred after July 1, 1984.

(5) The application for a license shall:

(i) Set forth the names and addresses of all the officers of the corporation or authorized persons of the limited liability company;

(ii) Be signed by the president or vice president of a corporation and the 3 officers of a corporation or the 3 authorized persons of a limited liability company to whom the license is issued; and

(iii) Disclose the name and address of the corporation, partnership, association, or limited liability company, as well as the names and addresses of the applicants.

(6) (i) In the case of a corporation where there are less than 3 officers or directors of the corporation or in the case of a limited liability company where there are less than 3 authorized persons, all officers or directors holding a pecuniary interest in the corporation, or all authorized persons holding a pecuniary interest in the limited liability company shall make the application.

(ii) In the case of a close corporation where there are no officers or directors, 1 or more resident, majority stockholders may make the application as provided for in this subsection.

(7) (i) In this paragraph “owner” means a person who has a real, provable financial interest in the business and includes a stockholder or managerial employee of the actual owner.

(ii) Stock ownership requirements do not apply to an applicant for a Class B hotel or restaurant beer, wine and liquor license or a Class BNR beer, wine and liquor license in which:

1. A majority of the shares of stock are owned or controlled either directly or indirectly by 1 or more corporations whose shares of stock are authorized for sale by the Securities and Exchange Commission of the United States;

2. At least 1 of the licensees is a resident applicant of the business conducted on the licensed premises and that same individual is responsible for the day to day operation of the license;

3. All licensees, including the resident applicant, are named officers of the corporation; and

4. The residency requirement in effect at the time the license is issued remains in effect as long as the license is in effect.

(l) (1) Except as provided in paragraph (2) of this subsection, in Charles County, an applicant for a new license for the use of a corporation or limited liability company or a transfer of an existing license for the use of a corporation or limited

liability company shall certify to the Board of License Commissioners that the applicant:

- (i) Is an officer of the corporation or limited liability company;
- (ii) Meets each of the other applicable qualifications for licensure under this section;
- (iii) Owns 20 percent of the stock in that corporation or a 20 percent interest in the limited liability company; and
- (iv) Will maintain a 20 percent interest in the corporation or limited liability company as long as the applicant is the holder of the license.

(2) The ownership requirement in paragraph (1) of this subsection does not apply to an applicant who applies for a Class BLX license for the use of a corporation or limited liability company in which:

- (i) Shares of stock of a corporation or interests in a limited liability company are authorized for sale by the Securities and Exchange Commission of the United States; or
- (ii) A majority of the shares of stock of the corporation or interests in the limited liability company are owned or controlled either directly or indirectly by one or more corporations or limited liability companies, the shares of stock or the interests in which are authorized for sale by the Securities and Exchange Commission of the United States.

(3) Applicants for a license for the use of a corporation or limited liability company shall submit to the Board of License Commissioners:

- (i) An executed copy of the articles of incorporation or articles of organization, as the case may be; and
- (ii) A schedule showing names, addresses, and percentages of all stockholders holding a minimum of 5 percent of the shares of stock of a corporation or members holding a minimum of 5 percent of the interests of a limited liability company.

(4) The schedule requirement under paragraph (3)(ii) of this subsection does not apply if the corporation's shares of stock or the limited liability company's interests are authorized for sale by the Securities and Exchange Commission of the United States.

(m) (1) This subsection applies only in Calvert County.

(2) The name or names of the person or persons who own the greatest number of shares in the corporation which makes application for a license shall appear

on the application as applicants.

(3) The applicant who is a resident of the county shall own at least 10 percent of the business.

(4) These requirements are in addition to any other requirements imposed by this article.

§9–102.

(a) (1) No more than one license provided by this article, except by way of renewal or as otherwise provided in this section, shall be issued in any county or Baltimore City, to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company, in Baltimore City or any county of the State.

(2) No more than one license shall be issued for the same premises except as provided in §§ 2–201 through 2–208, 2–301, and 6–701 and Title 7.5 of this article.

(3) This subsection may not be construed to apply to § 6–201(l)(8), (9), and (10) and (r)(4), (15), (17), and (18), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), § 8–217(e), § 8–508, § 8–902, § 9–102.1, § 9–217(b–1), or § 12–202 of this article.

(a–1) A Class A, B, or D beer license, beer and wine license, or beer, wine and liquor license, except by way of renewal, may not be granted, transferred, or issued to, or for use in conjunction with, or upon the premises of any business establishment of the type commonly known as chain stores, supermarkets, or discount houses. This subsection does not apply to or affect any business establishment already holding such a license or the possibility of such licensee having the license transferred to a similar type of business establishment. Discount houses do not include licensees who sell at discount prices.

(b) Repealed.

(b–1) (1) The provisions of subsection (a) of this section do not apply to licenses issued:

(i) Under § 3–401 or § 5–401 of this article for premises operated as a bowling establishment having 30 lanes or more with automatic pinsetters; or

(ii) In Montgomery County only, under § 5–202 of this article for premises operated as a bowling establishment having 30 lanes or more with automatic pinsetters.

(2) The provisions of this subsection do not apply to the following counties:

(i) Baltimore;

- (ii) Carroll;
- (iii) Frederick;
- (iv) Howard;
- (v) Prince George's, except as to paragraph (3) of this subsection; and
- (vi) Worcester.

(3) In Prince George's County, the provisions of subsection (a) of this section do not apply to licenses issued to such bowling establishments prior to June 1, 1982. These provisions do not authorize the issuance of new or additional licenses in violation of subsection (a) of this section.

(b-2) (1) Notwithstanding any other provisions of this section, in Baltimore City the holder of a Class B (on-sale — hotels and restaurants) beer, wine and liquor license under this article, by making application in the regular manner and paying the usual fee, may obtain additional Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses for premises operated as a public hotel and having one hundred or more rooms, or as an apartment house having one hundred fifty or more apartments, provided, however, that no apartment house licensee may obtain or hold at any one time more than three Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses, and that no public hotel licensee may obtain or hold at any one time more than five Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses.

(2) Notwithstanding any other provision of this section, and subject to the provisions of paragraph (3) of this subsection, in Baltimore City a license of any class may be transferred to the holder of, and for use at the same location as, another existing license.

(3) Paragraph (2) of this subsection shall apply only if:

(i) There are no prohibitions specified in this article applicable to the new license at the location in which the license is to be transferred;

(ii) The existing license at the location is held in inoperative status as determined by the Board of License Commissioners of Baltimore City; and

(iii) The existing license at the location is revoked 180 days after the effective date of the transfer of the new license unless it is transferred to a new holder and location as approved by the Board of License Commissioners.

(b-3) (1) In Allegany County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

(2) In Anne Arundel County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued except by way of renewal to a person, corporation, or limited liability company holding an alcoholic beverage license in any other state or in Washington, D.C.

(3) In Baltimore City, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued except by way of renewal to a person, corporation, or limited liability company holding an alcoholic beverage license in any other state.

(4) In Baltimore County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

(5) In Calvert County and St. Mary's County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

(6) In Charles County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

(7) In Garrett County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

(8) In Howard County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

(9) In Washington County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

(b-3A) (1) Notwithstanding any other provisions of this section, and subject to subsections (b-3B) and (b-3C) of this section, in Baltimore City or Baltimore County, the holder of a Class B, (on-sale — hotels and restaurants) beer, wine and liquor license under this article, by making application in the regular manner and paying the usual fee may obtain an additional Class B, (on-sale — hotels and restaurants) beer, wine and liquor license for premises used and occupied as a bona fide restaurant, as may be defined by the rules and regulations of the Board of License Commissioners for

Baltimore City or Baltimore County, provided that said restaurant has a minimum capital investment of \$500,000 for restaurant facilities, which sum shall not include the cost of land or buildings, and has a minimum seating capacity of 125 persons.

(2) Nothing contained herein shall permit the issuance of more than five such licenses to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company in Baltimore City or Baltimore County.

(3) The granting of additional licenses hereunder shall be limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises only, with no off-sale privileges to be exercised therewith.

(b-3B) (1) Notwithstanding any other provision of this section or § 8-204(l) of this article, in Baltimore County, an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county, may obtain a direct or indirect interest in:

(i) Not more than 12 Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses under this article; or

(ii) If one of the restaurants for which a license is issued is located in the Liberty Road Commercial Revitalization District in accordance with subsection (b-3C) of this section, not more than 13 Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses under this article.

(2) For an applicant to obtain a license under this subsection:

(i) The applicant shall apply in the regular manner and pay the usual fee; and

(ii) The restaurants for which the licenses are sought shall:

1. Meet the requirements of the rules and regulations of the Board of License Commissioners regarding the availability and issuance of licenses;

2. Meet the definition requirements of “restaurant” established under the regulations of the Board of License Commissioners;

3. Have a minimum seating capacity of 190 persons for dining;

4. Have a cocktail lounge or bar area seating capacity that does not exceed 25% of the seating capacity for dining; and

5. Have no more than 40% of sales in alcoholic beverages in connection with the business.

(3) An indirect interest is presumed to exist between two individuals,

corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other combination of persons, if they:

- (i) Have a common parent company;
- (ii) Are parties to a franchise agreement, licensing agreement, or concession agreement;
- (iii) Are part of a chain of businesses that is commonly owned and operated;
- (iv) Share a director, stockholder, partner, or member;
- (v) Share a director, stockholder, partner, or member of a parent or subsidiary;
- (vi) Share, directly or indirectly, profit from the sale of alcoholic beverages; or
- (vii) Share a trade name, trademark, logo or theme, or mode of operation identifiable by the public.

(4) Off-sale privileges may not be conferred by these licenses.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, nothing contained in this section may be construed to authorize the issuance of more than six licenses to an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county under this article, including Class B (on-sale — hotels and restaurants), Class B (SB) restaurant — service bar beer, wine and liquor (on-sale), Class B (TTC) restaurant beer, wine and liquor (on-sale), and Class BDR (deluxe restaurant) (on-sale) beer, wine and liquor licenses.

(ii) The Board of License Commissioners may issue a seventh license to a person if the license is for a restaurant located in the Liberty Road Commercial Revitalization District in accordance with subsection (b-3C) of this section.

(b-3C) (1) Notwithstanding any other provision of this section or § 8-204(l) of this article, in Baltimore County, an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county, may obtain a direct or indirect interest in not more than 13 Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses under this article, by making application in the regular manner and paying the usual fee if the restaurant for which the additional license is sought:

(i) Meets the requirements of the rules and regulations of the Board of License Commissioners regarding the availability and issuance of licenses;

(ii) Meets the definition requirements of “restaurant” established under the regulations of the Board of License Commissioners;

(iii) Has a cocktail lounge or bar area seating capacity that does not exceed 25% of the seating capacity for dining;

(iv) Has no more than 40% of sales in alcoholic beverages in connection with the business; and

(v) Is located in the Liberty Road Commercial Revitalization District as defined by the County Council on October 18, 1999.

(2) An indirect interest is presumed to exist between two individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other combination of persons, if at least one of the conditions listed in subsection (b-3B)(3) of this section is present.

(3) Off-sale privileges may not be conferred by these licenses.

(4) Nothing contained in this section may be construed to authorize the issuance of more than seven licenses for an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county under this article, including Class B (hotels and restaurants) beer, wine and liquor (on-sale) licenses, Class B (SB) (restaurant — service bar) beer, wine and liquor (on-sale) licenses, Class B (TTC) (restaurant) beer, wine and liquor (on-sale) licenses, Class B (OMTC) licenses, Class B (TRD) licenses, and Class BDR (deluxe restaurant) beer, wine and liquor (on-sale) licenses.

(b-4) The provisions of subsection (a) of this section shall not apply in Baltimore County to licenses issued under this article for premises operated as a motel or motor court having 100 rooms or more.

(b-5) In Montgomery County, a Class B beer, wine and liquor license may be issued for a different portion of the same premises or building in which is located a Class C beer, wine and liquor license, provided, however, that such licensees must meet all of the other qualifications and provisions of this article pertinent to such respective licenses except that, for the purposes of this subsection only, the term “pecuniarily interested” as contained in § 10-103 of this article shall not be deemed to apply to an applicant who is the owner of an interest in real property leased to another place of business where or for which a license has been applied for, granted or issued under this article.

(b-6) (1) Notwithstanding any other provision of this section, in Dorchester County an additional Class A beer license or Class A beer and wine license may be issued for any premises licensed under a Class B or Class D license.

(2) The Board of License Commissioners of Dorchester County may limit the number of additional Class A beer licenses and Class A beer and wine licenses that

it issues.

(b-7) The provisions of subsection (a) of this section shall not apply to licenses issued under § 7-101(u) of this article.

(b-8) Notwithstanding any other provisions of this article, in Garrett County any licensee wishing to install an additional bar or serving counter within a reasonable distance of the main building may do so with the approval of the County Liquor Control Board. The Liquor Control Board shall determine what constitutes a reasonable distance, and if the authorization is granted, no additional license shall be required.

(b-9) (1) The provisions of this subsection apply in the following jurisdictions:

- (i) Calvert County;
- (ii) Kent County; and
- (iii) St. Mary's County.

(2) Notwithstanding any other provisions of this article, any licensee wishing to install an additional bar or serving counter within a reasonable distance of the main building may do so with the approval of the alcoholic beverages licensing authority in the respective county. Each licensing authority shall determine what constitutes a reasonable distance for the respective county and, if the authorization is granted, no additional license is required.

(c) In Calvert and Caroline counties it shall be lawful for any licensee, by making application in the manner elsewhere described in this article, to obtain any type of license under this article, for the same premises, upon compliance with the provisions of this article, and upon the payment of the fees herein prescribed for each class of license.

(d) Every license shall be appropriately numbered by the official issuing the same.

(e) Nothing in this section shall apply to any dispensary system in any county of the State.

(f) Repealed.

(g) For the purpose of this section, in Wicomico County a man and wife shall be considered as one and the same person.

(h) The provisions of subsection (a) of this section do not apply in Anne Arundel County to licenses issued under this article for premises operated as resort complexes or entertainment facilities, including entertainment concessions.

(h-1) (1) In Anne Arundel County, a current holder of a Class H alcoholic beverages license, or a holder as of June 1, 2002 of a Class B alcoholic beverages license that has a restriction prohibiting off-sales, may be issued a second license by the Anne Arundel County Board of License Commissioners if:

(i) The second license is a Class H (beer, wine and liquor) license or a Class H (beer and wine) license; and

(ii) Either the restaurant for which the Class H license under item (i) of this paragraph is sought or to which the original Class B or Class H license applies is located within:

1. A suburban community center designated by Anne Arundel County in accordance with Bill Nos. 36-96 and 70-96 of the ordinances of Anne Arundel County; or

2. One of the following locations as they existed on October 1, 1999:

A. The Glen Burnie Urban Renewal Area;

B. The Parole Town Center Growth Management Area;

C. The Odenton Town Center Growth Management Area;

D. The Baltimore-Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by Anne Arundel County in accordance with § 6-301(f)(8) of the Economic Development Article;

E. A shopping center with a gross area of at least 1 million square feet that is zoned C3 General Commercial by the zoning article of the Anne Arundel County Code; or

F. The Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Route 32 on the east to the Prince George's County-Anne Arundel County line on the west.

(2) A person who does not hold a retail alcoholic beverages license in Anne Arundel County may be issued a maximum of two licenses by the Anne Arundel County Board of License Commissioners if:

(i) Each license is a Class H (beer and wine) license or a Class H (beer, wine and liquor) license; and

(ii) The restaurant for which one of the Class H licenses under item (i) of this paragraph is sought is located within:

1. A suburban community center designated by Anne Arundel

County in accordance with Bill Nos. 36–96 and 70–96 of the ordinances of Anne Arundel County; or

2. One of the following locations as they existed on October 1, 1999:

A. The Glen Burnie Urban Renewal Area;

B. The Parole Town Center Growth Management Area;

C. The Odenton Town Center Growth Management Area;

D. The Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by Anne Arundel County in accordance with § 6–301(f)(8) of the Economic Development Article;

E. A shopping center with a gross area of at least 1 million square feet that is zoned C3 General Commercial by the zoning article of the Anne Arundel County Code; or

F. The Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Route 32 on the east to the Prince George’s County–Anne Arundel County line on the west.

(3) A franchisor may not have a direct ownership interest, as defined by the Board, in more than 2 licenses under this section.

(4) The Board may not issue more than 60 additional Class H licenses under this subsection.

(5) The Anne Arundel County Board of License Commissioners shall adopt regulations:

(i) To carry out this subsection; and

(ii) That define “direct ownership interest” for the purposes of paragraph (3) of this subsection.

(6) The Anne Arundel County Economic Development Corporation, in consultation with the Board of License Commissioners for Anne Arundel County:

(i) Shall conduct a comprehensive study of the impact of this subsection on the economy of Anne Arundel County; and

(ii) On or before January 1, 2006, shall submit its findings and recommendations to the Anne Arundel County House Delegation, the Anne Arundel County Senate Delegation, the County Executive for Anne Arundel County, and the Anne Arundel County Council.

(i) The provisions of subsection (a) of this section do not apply in Anne Arundel County to licenses issued under this article for premises operated as motel–restaurant complexes or hotel–restaurant complexes having one hundred (100) rooms or more.

(j) (1) This subsection applies only in Worcester County.

(2) (i) Notwithstanding any other provisions of this section, the holder of a Class B, (on–sale — hotels and restaurants) beer, wine and liquor license, Class B, (on–sale — hotels and restaurants) beer and light wine license, or Class H (on–sale only — hotels and restaurants) beer, wine and liquor license under this article, by making application in the regular manner and paying the usual fee may obtain additional Class B, (on–sale — hotels and restaurants) beer, wine and liquor, Class B, (on–sale — hotels and restaurants) beer and light wine, or Class H (on–sale only — hotels and restaurants) beer, wine and liquor license for premises used and occupied as a bona fide restaurant, as may be defined by the regulations of the Board of License Commissioners.

(ii) The restaurant shall have a minimum:

1. Capital investment of \$150,000.00 for restaurant facilities, which does not include the cost of land or buildings; and

2. Seating capacity of 125 persons.

(iii) These provisions do not permit the issuance of more than a total of three licenses of all classes issued under this section to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company in Worcester County, except as provided in paragraph (3) of this subsection.

(iv) The granting of additional licenses hereunder shall be limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises only, with no off–sale privileges.

(3) (i) Notwithstanding any other provisions of this section, the holder of a Class B, (on–sale — hotels and restaurants) beer, wine and liquor license, Class B, (on–sale — hotels and restaurants) beer and light wine license, or Class H (on–sale only — hotels and restaurants) beer, wine and liquor license under this article, by making application in the regular manner and paying the usual fee may obtain additional Class B, (on–sale — hotels and restaurants), beer, wine and liquor or Class B (on–sale — hotels and restaurants), beer and light wine, or Class H (on–sale only — hotels and restaurants) beer, wine and liquor licenses for premises used and operated as public hotel–restaurant or motel–restaurant complexes.

(ii) The licensee shall have:

1. 50 or more sleeping rooms for rent;

2. A minimum capital investment of \$150,000 for restaurant

facilities which does not include the cost of land or building; and

3. A minimum restaurant seating capacity of 75 persons.

(iii) These provisions do not permit the issuance of more than a total of three licenses under paragraph (2) of this subsection, or a total of 9 licenses under paragraphs (2) and (3) of this subsection.

(iv) The granting of additional licenses may only occur if the restaurant operation is part and parcel of the hotel or motel operation. A person, partnership, corporation, unincorporated association, limited liability company, or any other entity may not have a pecuniary interest in the license other than the person(s) or members of the partnership, corporation, unincorporated association, limited liability company, or entity that own the hotel or motel.

(v) The transfer of any such license granted under this paragraph is not permitted notwithstanding the provisions of § 10–503, but shall be subject to the filing of a new application subject to the provisions of §§ 10–103 and 10–202 of this article.

(vi) The granting of additional licenses hereunder shall be limited and restricted for the purpose of providing alcoholic beverages for consumption on the licensed premises only, with no off–sale privileges.

(4) (i) Subject to subparagraph (ii) of this paragraph and notwithstanding any other provisions of this section, a bona fide homeowner’s association that owns more than one amenity, as defined by the Board of License Commissioners, may hold multiple Class B licenses, multiple Class C licenses, or a combination of Class B and Class C licenses.

(ii) Admission to an amenity licensed with a Class C license shall be limited to owners of real property governed by recorded covenants of the homeowner’s association, their bona fide tenants, and guests in their company.

(5) Notwithstanding the provisions of subsection (a) of this section to the contrary, a caterer’s license may be issued to the holder of a Class B restaurant or hotel (on–sale) beer, wine and liquor license.

(6) Notwithstanding any other provisions of this section to the contrary, the Mayor of Ocean City may be granted a license under § 6–401 of this article.

(7) Notwithstanding any other provision of this section, the Worcester County Board of License Commissioners may renew a Class A beer license, beer and wine license, or wine license issued prior to January 1, 2002.

(k) The provisions of subsections (a) and (a–1) of this section do not apply to licenses issued under:

(1) § 6–201 of this article if:

(i) The resident applicant has been a resident of Wicomico County for at least two years prior to the application; and

(ii) The minimum capital investment in the premises is at least \$200,000 or the premises have a fair market value of at least \$200,000; or

(2) § 12–104(e)(5) of this article.

(l) In Wicomico County no license issued under this article may be issued to a corporation or limited liability company unless the individual qualifying under this article has been a registered voter, taxpayer of Wicomico County, and a resident of Wicomico County for at least two years prior to submission of an application, and must own at least 20 percent of the total issued capital stock of the corporation or 20 percent of the total interests of the limited liability company. Provided, however, that any license currently issued shall not be affected by this section.

(m) Notwithstanding a provision of law in subsection (a) of this section to the contrary, in Wicomico County, a caterer’s license may be issued to a holder of a Class B hotel or restaurant (on–sale) beer, wine and liquor license.

(n) In Kent County, notwithstanding any provision of subsection (a) of this section to the contrary, a caterer’s alcoholic beverages license may be issued to a holder of a Class B restaurant or hotel (on–sale) beer, wine and liquor license.

(o) (1) Subject to paragraphs (2) and (3) of this subsection, and notwithstanding any other provision of law, in Howard County, the Board of License Commissioners may issue 2 Class B (on–sale) beer, wine and liquor licenses and 7 Class BLX (luxury restaurant) (on–sale) beer, wine and liquor licenses, or 9 Class BLX (luxury restaurant) (on–sale) beer, wine and liquor licenses for separate premises:

(i) To an individual; or

(ii) For the use of a partnership, corporation, or unincorporated association.

(2) A person, including a corporation, limited liability company, partnership, limited partnership, joint venture, association, or other combination of persons, whether natural or otherwise and for whatever reason formed, may not have a direct or indirect interest in any combination of more than 9 Class B and Class BLX licenses.

(3) For purposes of this subsection, an indirect interest is presumed to exist between two persons, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other combination of persons, whether natural or otherwise, if any of the following conditions exist between them:

- (i) A common parent company;
- (ii) A franchise agreement;
- (iii) A licensing agreement;
- (iv) A concession agreement;
- (v) Both are part of a chain of businesses commonly owned and operated;
- (vi) They share:
 - 1. Directors, stockholders, partners, or members; or
 - 2. Directors, stockholders, partners, or members of parents or subsidiaries;
- (vii) They commonly share, directly or indirectly, profit from the sale of alcoholic beverages; or
- (viii) They share a common trade name, trademark, logo or theme, or mode of operation identifiable by the public.

(p) Notwithstanding subsection (a) of this section, in Charles County, the Board of License Commissioners may issue 2 additional Class BLX alcoholic beverages licenses for use in a luxury-type restaurant for each Charles County Class BLX licensee who applies.

(q) Notwithstanding subsection (a) of this section, the Montgomery County Board of License Commissioners may issue up to three special culinary school licenses to a single culinary school for separate locations.

§9-102.1.

- (a) This section applies only in Montgomery County.
- (b)
 - (1) In this section the following words have the meanings indicated.
 - (2) “Board” means the Board of License Commissioners.
 - (3) “License” means a Class B beer, wine and liquor on-sale only license.
- (c)
 - (1) Except as provided in paragraph (2) of this subsection, a person may hold a maximum of 10 licenses.
 - (2)
 - (i) A licensee may obtain additional licenses for premises operated as a public hotel.

(ii) An applicant for this additional license shall:

1. Meet the minimum requirements set forth in § 6–201(a)(3) of this article. If the capital investment in the hotel exceeds \$3,000,000, the building height and elevator requirements required by that section do not apply; and

2. Have a minimum restaurant seating capacity, as specified in § 6–201(a)(3) of this article, of 100 persons.

§9–102.2.

(a) (1) The Director or Deputy Director of the Montgomery County Parks Department of the Maryland–National Capital Park and Planning Commission may hold more than one of the following alcoholic beverages licenses for the limited use of public golf courses that are under the Commission’s jurisdiction in Montgomery County:

(i) A Class H beer (on–sale) license; or

(ii) A Class H beer and light wine (on–sale) license.

(2) The Executive Director of the Montgomery County Revenue Authority or the Executive Director’s designee may hold more than one of the following alcoholic beverages licenses for the limited use of public golf courses that are under the jurisdiction of the Revenue Authority:

(i) A Class H beer (on–sale) license;

(ii) A Class H beer and light wine (on–sale) license; or

(iii) A Class B–BWL (clubhouse/lodge) (beer and wine off–sale; beer, wine, and liquor on–sale) license.

(3) A license issued under paragraph (2) of this subsection shall be signed by the Revenue Authority’s Executive Director or the Executive Director’s designee.

(b) (1) As a condition to holding any license under this section, the Director or Deputy Director of the Montgomery County Parks Department of the Maryland–National Capital Park and Planning Commission or the Executive Director of the Montgomery County Revenue Authority or the Executive Director’s designee, respectively, shall designate an individual with respect to each golf course to complete training in an alcohol awareness program approved under § 13–101 of this article.

(2) The individual designated to complete training in an alcohol awareness program under paragraph (1) of this subsection shall:

(i) Represent the concessionaire; and

(ii) Be involved with the management of the sale of beer or light wine by the concessionaire at the golf course.

§9-103.

No license or permit under the provisions of this article shall be issued in violation of any zoning rule or regulation as the same may from time to time exist under and by virtue of any ordinance or ordinances passed pursuant to the authority contained in Division I of the Land Use Article or in Chapter 599 of the Acts of the General Assembly of 1933.

§9-104.

Before a license or permit may be issued under this article to an employer to engage in an activity in which the employer may employ a covered employee, as defined in § 9-101 of the Labor and Employment Article, the employer shall file with the State Comptroller or local licensing board, as the case may be:

- (1) A certificate of compliance with the Maryland Workers' Compensation Act; or
- (2) The number of a workers' compensation insurance policy or binder.

§9-105.

No license under this article shall be issued for premises which do not conform to any requirements or specifications given elsewhere in this article.

§9-106.

(a) A license to sell alcoholic beverages may not be issued by a license issuing authority for a county to a minor without a special order of a judge.

(b) A judge may pass a special order to issue to a minor a license to sell alcoholic beverages only on the recommendation of at least 10 residents of the district where the license will be operative.

(c) Whenever a license to sell alcoholic beverages is issued to a minor, the minor is responsible for all contracts made in conducting business under the license and may be sued on the contracts in any court of the State.

(d) The responsibility of the minor does not affect or impair the responsibility of the parent of the minor under existing law.

§9-107.

(a) Except by way of renewal or as provided in § 9-102(j)(4) of this subtitle, no more than one alcoholic beverage license provided by this article that is a Class A, Class

C, or Class D license may be issued in this State to any individual for the use of:

(1) That individual in this State; or

(2) For the use of any partnership, corporation, unincorporated association, or limited liability company in this State.

(b) This section may not be construed to abrogate or alter any restrictions on the issuance of any class of license otherwise contained in § 9-102 of this article.

(c) This section may not be construed to prohibit the issuance of any license otherwise expressly permitted under this article.

(d) This section may not be construed to prohibit the issuance of any license to any individual for that individual or for the use of any partnership, corporation, unincorporated association, or limited liability company, if the license is issued for premises which are outdoor amphitheatres, centers for the performing arts, stadiums, or sports arenas.

§9-108.

(a) This section does not apply in Prince George's County.

(b) (1) In this section the following words have the meanings indicated.

(2) "Board" means the Board of License Commissioners of each county, the City of Annapolis, and Baltimore City.

(3) "Food stores" includes supermarkets.

(4) "Off-sale" means the sale of alcoholic beverages that are to be consumed off the licensed premises.

(5) "On-sale" means the sale of alcoholic beverages that are to be consumed only on the licensed premises.

(c) Except as provided in subsections (e), (f), and (g) of this section, a Board may not issue an alcoholic beverages license for use in premises in which more than 10,000 square feet of floor space is devoted to off-sale use.

(d) Except as to food stores that had an alcoholic beverages license on or before October 1, 1997, floor space shall be considered the space devoted to the retail sale of alcoholic beverages for off-sale consumption which, in the case of all licenses without on-premises consumption privileges, is located within the four walls of the building from which the licensed business operates or, in the case of licenses with on-sale and off-sale privileges, is actually used for the sale, display, or storage of those beverages. In all cases, floor space includes:

(1) Basements on licensed premises; and

(2) Whatever other area off the licensed premises upon which the beverages are at any time lawfully stored.

(e) (1) This section does not prohibit the renewal or transfer of ownership or location of a license issued in conjunction with any business that on or before October 1, 1997, has in excess of 10,000 square feet devoted to off-sale use.

(2) The square footage of floor space used for the sale, display, or storage of the beverages may not be expanded beyond 10,000 square feet.

(3) Food stores having an alcoholic beverages license on or before October 1, 1997, may not expand the actual square footage of their alcoholic beverages departments, including sales, display, and storage areas, beyond a total of 10,000 square feet. This size shall be determined without regard to the total area available within the four walls of the business premises.

(4) There is no presumption in favor of or which otherwise requires the Board to approve requests by licensees to expand the amount of space devoted to the retail sale of beverages for off-sale consumption up to 10,000 square feet, unless the Board finds, based upon the evidence presented to it, that:

(i) The expansion is necessary to accommodate the public; and

(ii) The licensee otherwise continues to meet the criteria for issuance or transfer of a license and whatever other conditions are imposed by the Board.

(f) Before a Board may issue a license for use in premises in which more than 10,000 square feet of floor space is devoted to off-sale use, the Board shall:

(1) Hold a public hearing and make a determination that the issuance of the license would serve the public need;

(2) Make a determination that the issuance of the license would not adversely impact existing retail licensees in the immediate vicinity of the premises, including those licensees that may be in a contiguous county or city; and

(3) Obtain the approval of the Comptroller, as provided under subsection (g) of this section.

(g) (1) If a Board determines that the issuance of a license would meet the criteria under subsection (f)(1) and (2) of this section, the Board shall obtain a written review and approval from the State Comptroller before taking final action on the application.

(2) The Board may issue the license if, on receipt of an application from a board under paragraph (1) of this subsection, the Comptroller:

(i) Makes a determination that the issuance of the license would not adversely affect the orderly distribution of alcoholic beverages in the State;

(ii) Makes a determination that the issuance of the license will comply with all applicable provisions of this article relating to the issuance of multiple licenses; and

(iii) Reports the Comptroller's findings in writing to the Board.

(3) If the Comptroller determines that an application submitted under paragraph (1) of this subsection does not meet the criteria provided under paragraph (2) of this subsection, the Board may not issue the license.

§9-201.

(a) The Board of License Commissioners for any county or for Baltimore City by regulation may:

(1) Limit and restrict, in accordance with a definite standard, the number of licenses which they consider sufficient for any neighborhood;

(2) Regulate and limit the use of mechanical music boxes and other sound-making devices; and

(3) Divide the city or county, as the case may be, into districts, and prescribe areas in which no licenses may be issued.

(b) Any applicant or licensee feeling aggrieved by any limitation, restriction or prohibition imposed by any board shall be entitled to appeal as hereinafter provided.

§9-202.

(a) This section applies only in Allegany County.

(b) (1) Only a citizen of the United States shall have an interest of any kind or character in any business for which a license is issued.

(2) A license may not be issued to any person who is not a citizen of Allegany County.

(c) (1) A license for Classes A and B beer or beer and light wine or for Classes A, B, and D beer, wine and liquor may not be granted to any person whose location or business is in any part of the county except incorporated towns and cities and communities in which there are not less than 500 bona fide residents within a radius of one mile.

(2) This subsection does not apply to any restaurant deriving more than 50 percent of its average monthly gross receipts from the sale of other than alcoholic

beverages, or to any hotel or motel having at least 20 lodging rooms or units regularly for hire as such and offering meals for sale as a regular and substantial part of its business. Any license issued under this exception to a restaurant, hotel, or motel, may not be reissued, renewed, or transferred if the license holder does not continue to comply with the requirements of this section.

(d) (1) Except for clubs and hotels and motels, a license may not be issued for premises which do not front upon a public street.

(2) A blind or obstruction may not obstruct the view of persons passing along the street from a full view of licensed premises.

(e) (1) The Board may refuse to issue a license whenever in its opinion any petitioner or petitioners is or are an unfit person or persons to be granted such license; or in the discretion of the Board when the place for which the application for a license is made is not a proper one with reference to the public peace and general welfare of the neighborhood or to the character of its inhabitants. Due regard shall be given to the number of licenses issued for a neighborhood as well as all specific restrictions and conditions set forth in this article.

(2) (i) The Board shall restrict the granting of the number of those licenses designated as beer, wine and liquor licenses Classes A and D so that the total number of licenses granted in these classes in each of the license categories does not exceed more than one to every 1300 persons residing in the county as determined by the last federal census; and

(ii) The Board shall restrict the granting of the aggregate number of those licenses designated as beer and light wine licenses Classes A and D, and beer licenses Classes A and D, so that the total number of licenses granted in these classes does not exceed more than one to every 1300 persons residing in the county as determined by the last federal census.

(f) (1) Subject to the population limitations on licenses elsewhere provided in this article, the Board of License Commissioners may not issue any additional beer, wine and liquor Class A or Class D license, except in the case of a transfer of an existing license, subject to the approval of the Board as elsewhere provided in this article.

(2) (i) The Board may continue to issue special permits to holders of Class D beer and Class D beer and light wine licenses as provided in § 7-101(h), provided that the number of special permits issued does not exceed 50.

(ii) Any holder of a Class D beer or Class D beer and light wine license who applies for and receives a special permit as provided in § 7-101(h) shall receive a pro rata credit for any unexpired portion of the license the licensee holds when the licensee receives the special permit.

(g) The number of Class C licenses issued for the retail sale of alcoholic beverages may not at any time exceed 60.

(h) The Board may limit and restrict the number of licenses which it considers sufficient for any neighborhood, may regulate and limit the use of mechanical music boxes and other sound-making devices, and may prescribe areas in which licenses will not be issued. Any applicant or licensee feeling aggrieved by any limitation, restriction or prohibition imposed by the Board may appeal.

(i) A Class A, B, or D beer, wine and liquor license may not be granted, transferred or issued to, or for use in conjunction with, or upon the premises of, or upon premises having any direct or indirect connection with or access to any food, drug or pharmaceutical, or other business establishment of the type commonly known as chain stores, supermarkets, or discount houses.

§9-203.

(a) This section applies only in Anne Arundel County.

(b) (1) (i) The Board of License Commissioners may restrict any specified area within the county to the existing number of licenses in that area or to any other number of licenses it deems appropriate.

(ii) Before any specified area is restricted, the Board shall conduct a hearing on the proposed restricted area. The hearing shall be advertised in the manner required for the issuance of a new license. After testimony is taken for and against the restriction of licenses in a specified area, the Board may prohibit the issuance of additional licenses, or fix the number of licenses to be permitted in that area, and shall determine the limits of that area.

(iii) The Board may restrict the number of licenses or prohibit additional licenses in any specified area, when, in the opinion of the Board, the area has:

1. Sufficient licensed premises for the accommodation of the public;

2. Become saturated with licensed premises to the extent that special policing is required and traffic hazards are created; or

3. Changed character so that the existing number of licensed premises is inconsistent with present usage of the area and an increase in the number of licensed premises located within the area will unduly disturb the peace of its residents.

(iv) A specified area may be restricted by the Board for any period between one and four years. At the end of the period fixed by the Board, the restrictions shall terminate and be of no further effect, unless the Board conducts another hearing and further restricts the number of licenses as provided in this section.

(2) The Board shall conduct a hearing on restricting the number of licenses or prohibiting additional licenses in any specified area upon the receipt of a

petition requesting the restriction or prohibition and designating the specific area to be restricted. The petition shall be signed by at least 25 persons who are property owners and registered voters of the precinct in which the proposed restricted area is located.

(3) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Overserved district” means an assessment district in the county in which the ratio of off-sale licenses per person is less than one per 4,000 persons.

3. “Underserved district” means an assessment district in the county in which the ratio of off-sale licenses per person is more than one per 4,000 persons.

(ii) 1. The Board may issue a Class A, Class B, or Class D (off-sale) license based on its determination as to whether the license is necessary for the accommodation of the public.

2. In determining whether a Class A, Class B, or Class D (off-sale) license is necessary for the accommodation of the public, the Board may, but is not required to, consider whether the premises to which the license would apply is located in an underserved district or an overserved district.

(c) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Transfer or assignment” means the transfer or assignment of a license from the licensee to whom issued to a new licensee and does not mean the transfer of a license permitting the sale of alcoholic beverages in the premises designated in the license to other premises within the 1,000-foot limitation set forth in this subsection.

(iii) “Extended for the same building” means the extension of the area of the premises licensed and does not mean a change in the operational classification of an existing license, except when the change is from a Class B, C or D license to a Class H license.

(2) (i) A new license may not be granted to sell alcoholic beverages in any building located within 1,000 feet in a straight line from entry to entry from a church or school.

(ii) A license for the same building may be renewed or extended for any building located within the specified distance of the grounds of a church or school.

(3) Paragraph (2) of this subsection does not apply to:

(i) The City of Annapolis;

(ii) Any transfer or assignment of a license located within the 1,000-foot requirement;

(iii) Any nonprofit club or nonprofit organization;

(iv) Any restaurant destroyed by fire, flood, windstorm or any other act of God and which held a valid alcoholic beverage license at the time it was destroyed if a new church or school has not been constructed within the 1,000-foot requirement;

(v) Any Class H beer and wine license (on-sale) or Class H beer, wine and liquor license (on-sale); or

(vi) Any motel-restaurant complex, hotel-restaurant complex, beer, wine and liquor license (on-sale).

(4) (i) An alcoholic beverage license may not be renewed or transferred unless the licensee has actively engaged in the sale of alcoholic beverages as authorized by the license within one year prior to the date of application for renewal or transfer. Any attempted renewal or transfer of a dormant license not in accordance with the provisions of this section is null and void.

(ii) The reissuance of any license to any licensee whose license has been nonrenewed under the provisions of this section is subject to the hearing, notice and other provisions of § 10-202 of this article except if the main building on the premises is destroyed by fire, wind, or flood. The Board of License Commissioners may renew the license if it has been proven that the licensee is making substantial efforts to restore, replace, or repair the building. This extension shall be effective for one year from the date of approval by the Board. If the licensee desires another extension, the licensee shall follow the same procedure. The licensee shall pay the license fee for each year even though the establishment is not open.

§9–204.

(a) In Baltimore City, within the area bounded by Twenty-Fifth (25th) Street on the north and Centre Street on the south and Howard Street on the west and Guilford Avenue on the east, no new licenses for the sale of alcoholic beverages shall be issued except Class B licenses and no licenses for the sale of alcoholic beverages of any class shall be transferred into this area of Baltimore City.

(b) The Board of License Commissioners of Baltimore City may not authorize the issuance of a special amusement license to the holder of a Class D beer, wine and liquor license in such area of Baltimore City.

(c) One new license may be issued to the area bounded on the north by Oliver Street, on the east by Charles Street, on the south by Mount Royal, and on the west by Maryland Avenue.

(d) One new license may be issued in the area bounded by Oliver Street on the

north, Mount Royal Avenue on the west and south, and Maryland Avenue on the east.

(e) One new license may be issued for a nonprofit concert facility in the area bounded on the south by Preston Street, on the east by Cathedral Street, and on the west by Park Avenue.

§9–204.1.

(a) In this section, “Board” means the Board of Liquor License Commissioners for Baltimore City.

(b) This section applies only in Baltimore City.

(c) The alcoholic beverages districts described in this section at all times shall be coterminous with the legislative districts in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

(d) (1) Except as provided in paragraph (2) of this subsection, new licenses for the sale of alcoholic beverages may not be issued in the following areas:

- (i) The 40th alcoholic beverages district (entire district);
- (ii) The 41st alcoholic beverages district (entire district);
- (iii) The 43rd alcoholic beverages district (entire district);
- (iv) The 44th alcoholic beverages district (entire district);
- (v) The 45th alcoholic beverages district (entire district); and
- (vi) The 46th alcoholic beverages district (entire district).

(2) The Board may issue:

(i) Special 1–day licenses;

(ii) Class B beer, wine and liquor restaurant licenses to bona fide restaurants having:

1. A minimum capital investment, not including the cost of land and buildings, of \$200,000 for restaurant facilities except in the 46th alcoholic beverages district;

2. A minimum seating capacity of 75 persons; and

3. Additional requirements for Class B beer, wine and liquor licenses issued in the 46th alcoholic beverages district as provided in § 6–201(d) of this article;

(iii) A Class C beer, wine and liquor license in the 45th alcoholic beverages district; or

(iv) A Class C beer, wine and liquor license in ward 5, precinct 1 of the 44th alcoholic beverages district.

(3) Notwithstanding paragraph (2) of this subsection, new Class B beer, wine and liquor restaurant licenses may not be issued:

(i) In the 46th alcoholic beverages district, the area covered by the Key Highway East Industrial Area Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June 29, 1987;

(ii) In the 46th alcoholic beverages district, the area covered by the Key Highway Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986;

(iii) In the 46th alcoholic beverages district, ward 23, precinct 1, ward 1, precinct 4 or 5, and ward 24, precinct 5; and

(iv) In the area known as Pen Lucy, ward 9, precincts 1 and 2.

(e) (1) Except as provided in paragraph (2) of this subsection, licenses for the sale of alcoholic beverages of any class may not be transferred into the areas covered by this section.

(2) (i) A licensed drugstore may transfer the license into the 45th alcoholic beverages district.

(ii) One Class B–D–7 license issued for a property surrounded by West Preston Street on the north, Morton Street on the east, West Biddle Street on the south, and Maryland Avenue on the west may be transferred to a property surrounded by West Eager Street and East Eager Street on the north, Lovegrove Street on the east, West Read Street and East Read Street on the south, and Morton Street on the west.

(f) (1) This subsection applies only in the 46th alcoholic beverages district.

(2) Notwithstanding § 6–201(d)(1)(vii) of this article, and subject to paragraph (8) of this subsection, the Board may issue a Class B beer, wine and liquor license:

(i) For a restaurant in ward 26, precinct 8, if the restaurant has a minimum capital investment of \$700,000, a seating capacity exceeding 150 persons, and average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant;

(ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1, if the restaurant has a minimum capital investment of \$700,000, a seating capacity that

exceeds 75 persons, average daily receipts for the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption;

(iii) For not more than three restaurants in a residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on June 23, 2004, if the restaurant has a minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption; and

(iv) For not more than three restaurants in a business planned unit development in ward 24, precinct 5 of the 46th alcoholic beverages district, which at all times shall be coterminous with the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002, if each restaurant has a minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons but is not more than 150 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption.

(3) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the Board may not issue an alcoholic beverages license or transfer a license into ward 1, precincts 4 and 5, ward 23, precinct 1, or ward 24, precinct 5.

(ii) The Board may allow the transfer of one Class D license into the residential planned unit development for Silo Point located in ward 24, precinct 5 which was enacted by the Mayor and City Council of Baltimore City in Ordinance 04-697 on June 23, 2004, provided that the Class D license holder operates the establishment in accordance with the provisions of Ordinance 04-697.

(iii) 1. Subject to subparagraph 2 of this subparagraph, and notwithstanding any other provision of law, the Board may issue or allow the transfer of no more than two Class B beer, wine and liquor licenses so that the cumulative number of licenses issued or transferred is two, into the area of 829 through 919 E. Fort Avenue.

2. The Board may issue or allow the transfer of a license into the area described in subparagraph 1 of this subparagraph only if:

A. The Board has executed a memorandum of understanding between the community associations in Riverside and Locust Point regarding the nature of the proposed establishment; and

B. The Board enforces the memorandum of understanding against any license holder that obtains a license under subparagraph 1 of this subparagraph and seeks to renew or transfer the license.

3. The Board may not allow a license to be transferred out of the area described in subparagraph 1 of this subparagraph and into any other area

of ward 24, precinct 5.

(4) Notwithstanding any other provision of law, a new Class B beer, wine and liquor license may not be transferred to another location or downgraded within the 46th alcoholic beverages district.

(5) A new Class B licensed restaurant must have average daily receipts from the sale of food that are at least 51% of the total daily receipts of the restaurant.

(6) (i) Except as provided in subparagraph (ii) of this paragraph, the Board may not transfer or issue a license if the transfer or issuance would result in:

1. The licensed premises being located within 300 feet of the nearest point of a church or a school; or

2. The licensed premises being located closer to the nearest point of a church or a school than the licensed premises was on June 1, 2004.

(ii) This paragraph does not apply to a licensed restaurant in:

1. Ward 4, precinct 1;

2. Ward 22, precinct 1;

3. A residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on June 23, 2004; or

4. Subject to subparagraph (iii) of this paragraph, the area bounded as follows: from the intersection of West Ostend Street and Race Street, North on Race Street to Seldner Place, then East on Seldner Place to Clarkson Street, then North on Clarkson Street to West Cross Street, then East on West Cross Street to South Hanover Street, then North on South Hanover Street to Race Street (also known as Winter Street), then West/Southwest on Race Street to West Cross Street, then West on West Cross Street to Leadenhall Street, then South on Leadenhall Street to West Ostend Street, then East on West Ostend Street back to the intersection of West Ostend Street and Race Street.

(iii) For a proposed establishment that is located within 300 feet of the nearest point of a church or school, the Board may issue or allow the transfer of a license into the area described in subparagraph (ii)4 of this paragraph only if:

1. The Board has executed a memorandum of understanding with a community association in the area described in subparagraph (ii)4 of this paragraph regarding the nature of the proposed establishment; and

2. The Board enforces the memorandum of understanding against any license holder that obtains a license under subparagraph (ii)4 of this

paragraph and seeks to renew or transfer the license.

(7) (i) Except as provided in subparagraph (ii) of this paragraph, a license for the sale of alcoholic beverages may not be transferred into, or transferred to a different location within, the following areas:

1. Ward 1, precincts 2 and 3;
2. Ward 2 in its entirety;
3. Ward 3, precinct 3; and
4. Ward 26, precincts 3 and 10.

(ii) This paragraph does not apply to an application for a new license or a transfer from within the areas described in subparagraph (i) of this paragraph if the new license or transfer is for:

1. A hotel;
2. An establishment located in a planned unit development if the application for the planned unit development was filed or approved before December 31, 1995;
3. An establishment located in an area governed by the Inner Harbor East Urban Renewal Plan; or
4. An establishment that has a seating capacity of fewer than 150 persons or in which the average daily receipts from the sale of food are at least 51% of the total daily receipts of the establishment.

(8) Notwithstanding paragraph (2)(ii) through (iv) of this subsection, a license specified under this subsection, including a license that allows no sales for off-premises consumption, may include an off-sale privilege for sales of refillable containers under a refillable container permit issued in accordance with § 8-203(e) of this article.

(g) A Class A (off-sale) or Class D (on- and off-sale) alcoholic beverages license may not be issued within or transferred into the area bounded on the north by 39th Street, then following Eilerslie Avenue, then following Chestnut Hill Avenue, on the east by Loch Raven Boulevard, then following Walpert Avenue, then following Homewood Avenue, on the south by North Avenue, and on the west by Howard Street, then following Art Museum Drive, then following North Charles Street.

(h) (1) The Board may issue a special Class BWL-MZ license for use at a zoo in Druid Hill Park.

(2) The license may be used to sell beer, wine, and liquor for consumption

only on the land and in the facilities used by the zoo.

(3) (i) An applicant for a Class BWL–MZ license who has an alcoholic beverages license issued by the Board shall exchange that license for a Class BWL–MZ license.

(ii) The Board shall extinguish the license exchanged by the applicant.

(4) (i) The licensee may designate an agent to sell beer, wine, and liquor at the zoo.

(ii) The agent shall be considered the vendor for collecting and remitting the sales and use tax.

(5) On approval by the Board, beer, wine, and liquor may be sold at the zoo in multiple locations.

(6) The hours of sale for the license are from noon to 11 p.m. every day of the week.

(7) The annual license fee is \$500.

(8) The Board may adopt regulations to carry out this section.

(i) (1) Beginning July 1, 2015, an existing Class A license may not be transferred to:

(i) An establishment on York Road in the area bounded by Northern Parkway on the north and Greenmount Avenue on the south; or

(ii) An establishment located in the 400 block of East Belvedere Avenue.

(2) Within the Planned Unit Development for Belvedere Square, as approved by the Mayor and City Council of Baltimore City in Ordinance 84–187, as amended, alcoholic beverages purchased from any licensed establishment located at 511 through 529 East Belvedere Avenue may be consumed:

(i) Within any indoor or outdoor seating area located at 511 through 529 East Belvedere Avenue; and

(ii) While crossing from the south side of East Belvedere Avenue to the north side of East Belvedere Avenue during a permitted special event that results in the closure of East Belvedere Avenue.

§9–204.2.

In Baltimore City the Board shall not grant a new license to premises having a

nonconforming use within an area zoned as “residential”.

§9–204.3.

(a) (1) Except as otherwise provided in this section, in Baltimore City, no new license, or removal of an existing license, shall be granted to sell alcoholic beverages in any building located within 300 feet of the nearest point of the buildings of a church or school, but the license of any person now holding a license for any building located within such distance of the building grounds of a church or school may be renewed or extended for the same building.

(2) In the 45th Legislative District in Baltimore City, a new Class A license of any type may not be issued for the sale of alcoholic beverages in a building located within 500 feet of the nearest point of the building of a place of worship or school.

(b) The restrictions regarding distance in subsection (a)(1) of this section do not apply to the following licenses, which may be issued within the 300 feet limitation:

- (1) Except in the 46th Legislative District, Class B beer and wine;
- (2) Except in the 46th Legislative District, Class B beer, wine and liquor;
- (3) Class C beer and wine; and
- (4) Class C beer, wine and liquor.

(c) Except in the 46th Legislative District, the governing body of any church in writing may waive the restrictions of this section regarding licenses not specified in subsection (b) with respect to cafes or restaurants located within 250 feet of a theater having a capacity of not less than 300 seats, which theater is operated by a nonprofit theater association.

(d) (1) This subsection applies only to an area bounded by:

(i) High Street on the west, Fawn Street on the north, Central Avenue on the east, and Eastern Avenue on the south; or

(ii) West Cross Street and Amity Street on the west, Clifford Street on the north, Scott Street on the east, and Carroll Street on the south.

(2) The Board of Liquor License Commissioners for Baltimore City may waive the restrictions of this section regarding distance in subsection (a)(1) of this section for an application for a license transfer into an area specified in paragraph (1) of this subsection if:

(i) The application is approved by:

1. Each community association representing the area;

2. Each business association in the area; and

3. The pastor and church board of directors or pastoral council for each church within 300 feet of the proposed location for the establishment for which the license transfer is sought; and

(ii) A memorandum of understanding is executed by the applicant for the license transfer and each community association in the area.

§9–205.

(a) The Baltimore County Board of License Commissioners may not issue any license to sell alcoholic beverages within 300 feet of any school, church or other place of worship. The said 300 feet are measured from the nearest point of the building of the proposed establishment to the nearest point of the building of the school, church or other places of worship. Nothing in this section shall apply to or affect or prohibit, in any manner, the renewal or transfer of any license of any establishment where, subsequent to the original granting of said license a school or church building was erected within 300 feet.

(b) This provision shall not apply to:

(1) The issuance of special and temporary licenses; or

(2) A transfer for the purpose of moving the licensed premises within the same building or structure, a transfer of ownership of the same premises, or the renewal of any one of the following alcoholic beverages licenses, provided the license is issued for use on premises with a seating capacity for more than 50 persons and located within a town center:

(i) A Class B beer, wine and liquor on-sale license; or

(ii) A 7-day Class BDR (deluxe restaurant) on-sale beer, wine and liquor license.

§9–207.

(a) This section applies only in Carroll County.

(b) The restrictions imposed by subsections (c) through (g) of this section apply only to micro-brewery licenses, as set forth in § 2–208 of this article.

(c) In this section, “protected building” means any elementary or secondary school and church or other place of worship.

(d) The distance restriction requirement between a licensed premises and a protected building is 300 feet.

(e) This distance shall be measured from the nearest point of the building in which the licensed premises is located to the nearest point of the property line on which the protected building is located.

(f) If a licensed premises preceded the location of the protected building but the protected building is located within 300 feet of a licensed premises, the Office of the Comptroller may renew the license.

(g) Distance restriction requirements do not apply to any licensed premises in existence on July 1, 1997.

(h) (1) The aggregate number of all Class A beer, beer and light wine, and beer, wine and liquor licenses in each election district may not total more than one for every 5,000 individuals.

(2) The Board of License Commissioners shall determine the population of each election district by using the most recently published population report of the Carroll County Planning Commission.

(3) Except as provided in paragraph (5) of this subsection, a new Class A license, regardless of kind, may not be issued if in the election district in which the license would be located:

(i) The ratio already exceeds one Class A license for every 5,000 individuals; or

(ii) The issuance of the license would cause the ratio to exceed one Class A license for every 5,000 individuals.

(4) For the purposes of this section, the renewal or transfer of a license issued by the Board of License Commissioners is not a new license.

(5) A winery that applies for a Class A light wine license under § 4–201 of this article is exempt from the quota limitations established under paragraph (3) of this subsection.

§9–208.

(a) This section applies only in Cecil County.

(b) The Board of License Commissioners may not issue or transfer an off-sale alcoholic beverages license of any class for the use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

§9–209.

(a) This section applies only in Charles County.

(b) (1) Except as provided in paragraph (2) of this subsection, the Board of License Commissioners may not issue more than 1 of any class of alcoholic beverages license with an off–sale privilege for each unit of 1,350 people, based on the resident population figures of the last federal census, within each election district in the county.

(2) In the sixth election district, the Board of License Commissioners may not issue more than one of any class of alcoholic beverages license with an off–sale privilege for each unit of 2,700 people, based on the resident population figures of the last federal census.

(3) A license issued under this subsection may not be transferred from one election district to another.

(4) (i) This subsection may not be construed to require the forfeiture or revocation of any alcoholic beverages license issued and outstanding on October 1, 1992.

(ii) In any election district in which the quota is exceeded as of that date, the total number of licenses shall be reduced from time to time only by the voluntary relinquishment of licenses by the licensees, by bankruptcy, or by the workings of other provisions of this article. A new license may not be issued in any election district unless the issue may be made without exceeding the quota provided for in this subsection.

(c) When application for a liquor license is made to sell alcoholic beverages in a building which is not completed, the Board of License Commissioners may give tentative approval of the application on the basis of plans and specifications accompanying the application. Upon completion of the building in accordance with the plans and specifications, the Board may issue the license.

(d) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Board of License Commissioners may not issue any license:

(i) With an on–sale privilege, to sell alcoholic beverages in any building the nearest wall of which measured in a direct line is within 500 feet of the property line of any school accredited by the State Board of Education; and

(ii) With an off–sale privilege, to sell alcoholic beverages in any building the nearest wall of which measured in a direct line is within 1,000 feet of the property line of any school accredited by the State Board of Education.

(2) This subsection is not applicable in the event the school locates its building within 500 feet of any licensed premises after the licensed premises are located there.

(3) This subsection does not apply to a Class B (on-sale) beer, wine and liquor license that is issued for a premises located in a municipal corporation in Charles County.

(e) Subsections (c) and (d) of this section do not apply to, affect, or prohibit, in any manner, the renewal or transfer of any license issued prior to May 1, 2014.

§9-210.

(a) Except as provided in subsection (b) of this section, in Dorchester County, a new license may not be granted to sell any alcoholic beverage in a building with a wall within 300 feet in a direct line of the nearest point of the main building of a public or nonpublic kindergarten, elementary, or secondary school, or church or other place of worship.

(b) Subsection (a) of this section does not apply to:

(1) The granting of a license for a premises located within the restricted distance if a license to sell alcoholic beverages on the premises existed as of October 1, 1996;

(2) An application for a Class B (on-sale) beer, wine and liquor license for a premises in Cambridge or Secretary; or

(3) A premises issued a special or temporary license.

§9-211.

(a) This section applies only in Frederick County.

(b) (1) There may not be issued more than one Class B on-sale beer license, nor more than one Class B on-sale beer and light wine license, for each unit of 4,000 people, or major fraction, in any one election district.

(2) There may not be issued more than one Class A off-sale beer, wine and liquor license, one Class A off-sale beer license, nor more than one Class A off-sale beer and light wine license, for each unit of 4,000 people, in any one election district. For the purposes of this section, the population of each election district shall be as determined by the last federal census.

(c) In any election district in which the number of any class of licenses issued as of June 1, 1949, exceeds the quota specified hereinabove, no new licenses of such class shall be issued unless and until the number of licenses of any such class shall have been so reduced by revocation or surrender as to create a vacancy under the particular quota specified hereinabove. For the purposes of this section, a transfer or renewal of an existing license shall in no way be construed to be a new license.

(d) A Class A alcoholic beverage license may not be granted, transferred, issued

to, or for use in conjunction with, or upon the premises of, or upon premises having any drug or pharmaceutical, or other business establishment of the type commonly known as chain stores, supermarkets, franchised establishments, or discount houses. "Franchised establishment" means premises operated under an agreement permitting the sale of a product or service under a name or mark under which the franchisee undertakes to conduct a business or sell a product or service in accordance with the methods and procedures prescribed by the franchisor in the agreement and the franchisor undertakes to assist the franchisee through advertising, promotion, or other services.

§9-211.1.

In Frederick County, the License Commissioner may not issue or transfer an off-sale alcoholic beverages license of any class for the use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

§9-212.

(a) No license shall be issued in Garrett County if the applicant has not had an established business for one year prior to the date of application.

(b) Notwithstanding any other provisions of this article, the Liquor Control Board may promulgate rules and regulations allowing any Class B, C, or D licensee to sell alcoholic beverages, as provided by their licenses, for off-sale consumption.

(c) The following licensees are exempt from any issuing fee on any class of license:

(1) Persons holding alcoholic beverages licenses prior to July 1, 1987;

(2) A corporation holding an alcoholic beverages license that has a 50 percent or less change of its corporate officers;

(3) A nonprofit corporation, fraternal and civic organization, or group holding an alcoholic beverages license, regardless of the percent of change of corporate officers; or

(4) A subsequent holder of a license of a deceased licensee if the subsequent holder is the spouse or sibling of the deceased licensee.

(d) The renewal period for all alcoholic beverages licenses shall be from June 15 through June 30 of each year. All licenses shall be dated July 1. Any license fees paid in advance of July 1, 1987 for the upcoming licensing period shall be credited toward the annual fee.

§9–213.

(a) This section applies only in Harford County.

(b) (1) (i) Except as provided in paragraphs (2), (3), (5), (6), and (8) of this subsection, the Harford County Board of License Commissioners may not issue any license to sell alcoholic beverages within 300 feet of any church or other place of worship or within 1,000 feet of any public school building.

(ii) This section does not affect any license existing on July 1, 1975 or the transfer or issuance of a Class B (on-sale) beer, wine and liquor license for the use on any premises licensed on July 1, 1975.

(iii) The Board may not issue any license to sell alcoholic beverages within 1,000 feet of any private, parochial, or bona fide church school building.

(iv) This section does not affect any license existing on July 1, 1977.

(v) This section does not affect the renewal, transfer, or upgrading of a license unless transferred to a new location.

(vi) Measurement of the required distance shall be made from the nearest point of the building of the establishment to the nearest point of the building of the school, church, or other place of worship.

(vii) Any decision of the Harford County Board of Education after June 30, 1975 to locate a public school building within 1,000 feet of an existing licensee may not be the basis for the revocation or denial of renewal, transfer, or upgrading of that alcoholic beverages license.

(viii) This section does not preclude a church or school from applying for a 1-day license to be used on their premises.

(2) In Bel Air, Aberdeen, and Havre de Grace, the Board may issue a Class B license to sell alcoholic beverages to a bona fide hotel, motel, or restaurant, as defined in § 6–201(n) of this article, a Class C license to a club, as defined in § 6–301(o)(2) of this article, or a Class H license to a caterer, as defined in § 6–704(a) of this article, if the club, hotel, motel, restaurant, or caterer is not located within 300 feet of any public or nonpublic school.

(3) In the incorporated municipalities of Harford County, the Board:

(i) May, according to the provisions of § 10–202 of this article, issue a license to sell alcoholic beverages to a bona fide hotel, motel, or restaurant as defined in § 6–201(n) of this article, club as defined in § 6–301(o)(2) of this article, or caterer as defined in § 6–704(a) of this article, within 300 feet of a church or place of worship; and

(ii) May issue any alcoholic beverages license to a business

establishment, if the business is not located within 300 feet of any public or nonpublic school.

(4) Repealed.

(5) (i) In this paragraph, “integrated community shopping center” means a shopping center that contains:

1. Six or more retail uses;
2. Six or more retail and service uses; or
3. A gross floor area of more than 20,000 square feet.

(ii) With respect to a public or private school building only, the Board may waive the restrictions under this subsection in approving an application for a Class B (on-sale only) restaurant license in the county or a municipal corporation within the county if:

1. The restaurant that is the subject of the license is located in an integrated community shopping center; and

2. The Board takes into account, among other considerations, comments received from parents whose children attend the public or private school.

(6) The provisions of paragraph (1) of this subsection relating to distance from a church or place of worship do not apply to either the issuance of a 1-day alcoholic beverages license for use within a building or to the issuance of a Class H beer, wine and liquor license issued under § 6-704(d) of this article to a caterer for use in a banquet facility located within a building if:

(i) The construction of the building is completed after July 1, 1991; and

(ii) The building is used for emergency operations by a volunteer fire company.

(7) Repealed.

(8) The provisions of paragraph (1) of this subsection do not apply to the issuance of a Class GC (golf course) license as set forth in § 8-503 of this article.

(c) (1) This section does not preclude the renewal or transfer of any license issued prior to July 1, 1981 even after existing license provisions have been exercised under §§ 6-101(n) and 6-201(n) of this article.

(2) (i) For every 3,000 individuals of the population of Harford County, the Board may not issue more than:

1. One Class A off-sale license;
2. One Class A-1 off-sale license; or
3. One Class A-2 off-sale license.

(ii) However, a B-1 temporary (on-sale) license may be issued to those persons who wish after six months to operate a bona fide Class B license. The B-1 license shall be revoked after the six-month period has expired if the licensee has not met all requirements for a Class B license.

(3) The population figures are those specified by the State Department of Health and Mental Hygiene.

(d) (1) In Harford County if the number of any class of licenses issued as of July 1, 1984, exceeds the quota specified in subsection (c) of this section, new licenses of this class may not be issued unless the number of licenses of this class have been reduced by revocation or surrender creating a vacancy under the particular quota specified in subsection (c).

(2) For the purpose of this subsection a transfer, conversion, or renewal of an existing license may not be construed to be a new license.

(e) (1) Except as provided in subsection (j) of this section, in Harford County, a person, franchiser, franchisee, chain store operation, partnership, firm or corporation may not have interest in more than one license, whether held or controlled by direct or indirect ownership, by franchise operation, by stock ownership, interlocking directors or interlocking stock ownership, or in any other manner, directly or indirectly. It is the intention of this section to prohibit any person, franchiser, franchisee, chain store operation, firm, partnership or corporation from having any interest, directly or indirectly, in more than one license. This section does not apply to licenses issued under the provisions of § 7-101 of this article or to club licenses.

(2) An indirect ownership interest is presumed to exist between any combination of individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons if any of the following conditions exist between them:

- (i) A common parent company;
- (ii) A franchise agreement;
- (iii) A licensing agreement;
- (iv) A concession agreement;
- (v) Dual membership in a chain of businesses commonly owned and operated;

(vi) A sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;

(vii) Common direct or indirect sharing of profit from the sale of alcoholic beverages; or

(viii) A sharing of a common trade name, trademark, logo, or theme, or mode of operation identifiable by the public.

(f) (1) In Harford County an alcoholic beverages license with an off-sale privilege of any class, except by way of renewal, may not be transferred, or issued to any business establishment of the type commonly known as chain stores, supermarkets, discount houses or their franchisors, and franchisees or concessionaires of every kind and description. Those establishments holding an alcoholic beverages license on July 1, 1976 may continue to hold that license, or apply to upgrade to Class A-1 or A-2.

(2) (i) Those establishments that held an off-sale alcoholic beverages license issued before July 1, 1975, and continued to hold the license as of July 1, 1996, but which license was later canceled or voluntarily surrendered, may reacquire a license of the same class as though it was held on or before July 1, 1975, notwithstanding any of the provisions to the contrary of this article and the regulations of the Harford County Board of License Commissioners.

(ii) An application to reacquire a license under subparagraph (i) of this paragraph shall be submitted to the Harford County Board of License Commissioners by March 1, 1999.

(g) Repealed.

(h) The Harford County Board:

(1) May not issue or transfer the location or ownership of any off-sale alcoholic beverages license of any class for the use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption; or

(2) May not transfer the location or ownership of any off-sale alcoholic beverages license of any class with the privilege of operating the premises as a drive-through purchase facility.

(i) (1) Subject to paragraph (2) of this subsection, in Harford County, for a restaurant holding a license under § 6-201 of this article, if the restaurant is located within a freestanding building containing bowling lanes associated with the restaurant, as an additional privilege of that license the licensee may sell and may allow customers to carry or consume alcoholic beverages at the bowling lanes and on the concourse of the bowling lanes, or in any place in the bowling alley or restaurant.

(2) The additional privilege granted under paragraph (1) of this subsection is available:

(i) Commencing at 6:00 p.m. and ending at the normal closing time for those days specified under § 11–513 of this article if the bowling facility is open to the public; and

(ii) At any time permitted under §§ 6–201 and 11–513 of this article if the bowling facility is closed to the public for the purpose of holding a private function.

(3) This subsection does not create any separate class of license for bowling alleys, but only confers additional privileges on licenses for restaurants that are associated with bowling alleys.

(j) The maximum number of Class B licenses that may be issued by the Liquor Control Board to an individual for the use of a sole practitioner, partnership, corporation, unincorporated association, or limited liability company in the county is 9.

§9–214.

(a) This section applies only in Howard County.

(b) (1) (i) Subject to the provisions of subparagraph (ii) of this paragraph, a license to sell alcoholic beverages may not be first issued after June 30, 1971, for any building located within 500 feet of the nearest point of a public school building.

(ii) A Class B license to sell alcoholic beverages may not be issued for a restaurant located within 400 feet from the nearest point of a public school building.

(2) A license issued on or before that date may be renewed for the same building and type of license.

(3) A license issued on or before that date may be transferred or assigned to a new licensee for the same building and type of license.

(4) Any decision of the Board of Education after June 30, 1971, to locate a public school building within 500 feet of an existing licensee may not be the basis for the revocation or denial of renewal or transfer of that alcoholic beverages license.

(c) The Board of License Commissioners may not issue, transfer, or approve an application on behalf of an off-sale alcoholic beverages license of any class for the use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

(d) When application for a liquor license is made to sell alcoholic beverages in a building which is not completed, the Board of License Commissioners may give tentative approval of the application on the basis of plans and specifications that

accompany the application. Upon completion of the building in accordance with the plans and specifications, the Board may issue the license.

(e) On determining whether to approve an application for a new Class A license, regardless of kind, the Appointed Alcoholic Beverage Hearing Board shall include in its written decision findings as to each of the factors set forth in § 10–202(a)(2)(i) of this article.

(f) (1) Except as provided in paragraph (2) of this subsection, the Board of License Commissioners may not issue more than one Class A license of any type for every 4,000 residents of the county as determined by the latest federal census.

(2) Paragraph (1) of this subsection does not apply to a license issued for use in an existing shopping center or in a proposed shopping center development for which a building permit has been issued that contains 200,000 or more square feet of commercial retail space.

§9–216.

(a) (1) This subsection does not apply to:

(i) A special culinary school license issued under § 8–216.3 of this article; or

(ii) A 1–day special license for use on the premises of:

1. An elementary or secondary school;

2. A place of worship; or

3. A youth center sponsored or conducted by a governmental agency.

(2) Except as provided in paragraph (4) of this subsection, the Montgomery County Board of License Commissioners may not issue any license to sell alcoholic beverages within 750 feet of any secondary or elementary school, place of worship, or youth center sponsored or conducted by any governmental agency.

(3) Measurement of the required distance shall be made from the nearest point of the building of the proposed establishment for which the license is requested to the nearest point of the building of the school, place of worship, or youth center.

(4) The Montgomery County Board of License Commissioners may by majority vote approve the application for any license to sell alcoholic beverages more than 300 feet from any elementary or secondary school, place of worship, or youth center sponsored or conducted by any governmental agency provided that the land upon which the building is situated in which the licensee would operate is classified in a commercial or industrial zone under the applicable zoning ordinance and is adjacent

or contiguous to other land which is similarly classified under the zoning ordinance.

(5) Nothing in this section shall apply to or affect or prohibit, in any manner, the renewal, transfer, or reissuance of a prior license of any license of any establishment where subsequent to the original granting of the license a school, place of worship, or youth center was erected within 750 feet of the establishment.

(6) For the purposes of this section, reissuance shall be limited to a new license for the establishment issued within 1 year from the date of expiration or revocation of a prior license provided the revocation did not result from acts of the owner of the establishment.

(b) (1) In this subsection, “Takoma Park Transit Impact Area” means the Takoma Park Transit Impact Area as approved and adopted in the sector plan for Takoma Park, Montgomery County, Maryland.

(2) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for a restaurant establishment which is located on land classified in or near a CBD zone (central business district zone), in or near the Rockville Town Center Performance District, in or near the Takoma Park Transit Impact Area, or in or near the Kensington commercial areas specified in § 8–216(a)(2)(iv)1 of this article, if the following conditions are satisfied:

(i) 1. If the restaurant building is outside the respective zone, district, or area the measurement of the distance of the nearest point of the restaurant building to the nearest boundary line of the respective zone, district, or area is 500 feet or less; or

2. The restaurant building is entirely contained in land classified in the respective zone, district, or area;

(ii) The issuance of the requested license will not adversely affect nearby schools, churches, youth centers or the nearest residential community; and

(iii) Except for the distance restrictions provided in subsection (a) of this section, the restaurant otherwise qualifies under this article for the issuance of the license requested.

(3) Any license issued under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(c) (1) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for a restaurant that is in existence as of June 1, 2004, and located in the Rockshire Planned Residential Unit development of the City of Rockville, if the following conditions are satisfied:

(i) The restaurant building is entirely contained on land located within the Rockshire Planned Residential Unit development area;

(ii) The issuance of the license will not adversely affect nearby schools, churches, youth centers, or the nearest residential community; and

(iii) Except for the distance restrictions provided in subsection (a) of this section, the restaurant otherwise qualifies under this article for the issuance of the license requested.

(2) Any license under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(d) (1) In this subsection, “Burtonsville Town Square” means the shopping center located in Montgomery County at the northwest corner of MD 198 and US 29a.

(2) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for a restaurant that is located in Burtonsville Town Square if the following conditions are satisfied:

(i) The issuance of the license will not adversely affect nearby schools, churches, youth centers, or the nearest residential community; and

(ii) Except for the distance restrictions provided in subsection (a) of this section, the restaurant otherwise qualifies under this article for the issuance of the license requested.

(3) Any license under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(e) (1) In this subsection, “Hillandale Shopping Center” means the shopping center located in Montgomery County at the northeast corner of MD 650 and Interstate 495.

(2) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for a restaurant that is located in the Hillandale Shopping Center if the following conditions are satisfied:

(i) The issuance of the license will not adversely affect nearby schools, churches, youth centers, or the nearest residential community; and

(ii) Except for the distance restrictions provided in subsection (a) of this section, the restaurant otherwise qualifies under this article for the issuance of the license requested.

(3) Any license under this subsection authorizes its holder to keep for sale

and sell alcoholic beverages for consumption on the premises only.

(f) (1) In this subsection, “Rock Spring Centre” means the mixed use center located in Montgomery County bordered by Rock Spring Drive, Rockledge Drive, Interstate 270, and Old Georgetown Road in Bethesda.

(2) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for an establishment that is located in the Rock Spring Centre if the following conditions are satisfied:

(i) The issuance of the license will not adversely affect nearby schools, churches, youth centers, or the nearest residential community; and

(ii) Except for the distance restrictions provided in subsection (a) of this section, the establishment otherwise qualifies under this article for the issuance of the license requested.

(3) Any license under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(g) (1) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by majority vote may approve an application for a restaurant for a Class B beer, wine and liquor license if the following conditions are satisfied:

(i) The restaurant is located in a shopping center in the City of Gaithersburg in Montgomery County that is bordered by Maryland Route 355, Central Avenue, Poplarwood Place, and North Westland Drive;

(ii) The restaurant is located more than 275 feet from any place of worship; and

(iii) A prior owner or tenant at the site of the restaurant held an alcoholic beverages license.

(2) The Class B beer, wine and liquor license under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(h) (1) Subject to the provisions of paragraph (2) of this subsection, the Montgomery County Board of License Commissioners may not issue any class of alcoholic beverages license for use in a business establishment that sells motor vehicle fuel to motorists from a fuel pump that is located on the premises.

(2) The Montgomery County Board of License Commissioners may renew an alcoholic beverages license that has been issued for use in a business establishment that sells motor vehicle fuel to motorists from a fuel pump that is located on the

premises if the license was in existence on January 1, 1989.

(i) (1) The Montgomery County Board of License Commissioners may issue and renew an alcoholic beverages license that the board previously issued for premises on which a lawful nonconforming use exists.

(2) The Board of License Commissioners may not issue a license that is less restrictive than any license that the board previously issued for the premises.

§9-217.

(a) This section applies only in Prince George’s County.

(b) Subject to subsection (b-1) of this section, the number of licenses of each class of alcoholic beverage licenses may not exceed the following maximum amounts:

(1) Beer license, Class A.....	19
(2) Beer license, Class B.....	23
(3) Beer license, Class C.....	3
(4) Beer license, Class D.....	76
(5) Beer and light wine license, Class A.....	26
(6) Beer and light wine license, Class B.....	45
(7) Beer and light wine license, Class B-GC	4
(8) Beer and light wine license, Class B-Stadium.....	1
(9) Beer and light wine license, Class C.....	8
(10) Beer and light wine license, Class D.....	55
(11) Beer, wine and liquor license, Class A.....	143
(12) Beer, wine and liquor license, Class B.....	185
(13) Beer, wine and liquor license, Class B-AE.....	8
(14) Beer, wine and liquor license, Class BCE.....	8
(15) Beer, wine and liquor license, Class B-CI.....	2
(16) Reserved.	
(17) Beer, wine and liquor license, Class B/ECF	1

(18) Beer, wine and liquor license, Class B–ECF/DS	1
(19) Beer, wine and liquor license, Class B–ECR.....	1
(20) Beer, wine and liquor license, Class B–Stadium	1
(21) Beer, wine and liquor license, Class C	
(i) Under § 6–301(r)(2).....	30
(ii) Under § 6–301(r)(3).....	25
(iii) Under § 6–301(r)(4).....	4
(iv) Under § 6–301(r)(5).....	12
(v) Under § 6–301(r)(7).....	1

(b–1) (1) A person may obtain a Class A license of any kind for the purpose of having the Board of License Commissioners declare the license to be extinguished.

(2) (i) The person shall inform the Board of License Commissioners of the purpose for obtaining the license.

(ii) The Board of License Commissioners shall declare the license to be extinguished when the person comes into possession of the license.

(3) Within 10 days after having come into possession of the license, the person shall:

(i) Surrender the license to the Board of License Commissioners; and

(ii) Provide evidence to satisfy the Board that all taxes or obligations to wholesalers or other persons have been paid.

(4) A person that obtains a license under this subsection may not exercise the privileges of, sell, assign, or apply for transfer of the license.

(5) The Board of License Commissioners may impose on a person who violates this subsection a penalty not exceeding \$1,000.

(6) A license that is extinguished under this subsection:

(i) May not be replaced by the Board; and

(ii) Counts as one of the number of licenses in the appropriate class listed in subsection (b) of this section.

(c) This section does not invalidate any license in any class which exceeds

the maximum number of that class at the time of effective date of this provision, but when any licenses in excess of the number provided in this section expire by virtue of revocation, cessation of business, or nonrenewal, then a new license may not be issued to replace it.

(d) This section does not apply to a license issued under the provisions of § 6–201(r)(3), (6), (15), or (17), or § 7–101 of this article.

(e) (1) (i) Except as provided in subparagraphs (ii), (iii), and (iv) of this paragraph, a license may not be granted to sell alcoholic beverages in any building located within 1,000 feet of a school building, or within 500 feet of a place of worship. The 1,000 feet, or the 500 feet, as the case may be, is to be measured from the front door or main entrance, whichever is nearest the street abutting the premises, of the proposed licensed establishment along the nearest usual pedestrian route to the door closest to the licensed premises which is used as an entrance or exit to any school, or to the main entrance of the place of worship.

(ii) In the part of the Gateway Arts and Entertainment District located in the City of Hyattsville, as designated by the Secretary of Commerce, the front door or main entrance of an establishment for which a Class D beer and wine license is issued may be used if the door or entrance is at least 350 feet from a place of worship.

(iii) In the City of College Park, a license may be granted to sell alcoholic beverages in a building located more than 400 feet from a school building if the land on which the proposed licensed establishment is located is in a commercial district.

(iv) In the City of Laurel, a license may be granted to sell alcoholic beverages in any building regardless of its distance from a place of worship.

(2) This restriction does not apply in the case of a place of worship if the governing body of the place of worship concerned consents in writing to the granting of the license. The consent shall be filed with the application. The license of any person or persons or for the use of a corporation or unincorporated association issued for any building located within the requisite distance from a place of worship or school building may be renewed or extended for the same building.

(3) This restriction does not apply to any transfer or assignment of a license located within the distance of 1,000 feet to another place of business within the specified distance or to an assignee of the license within the distance of the same place of worship or school building.

(4) This does not apply to the issuance of a license for a place of business, not having an alcoholic beverage license, to which an alcoholic beverage license had been issued and was in force and effect on June 1, 1965, as to a license of the same class which was in force and effect as of that date, applied for in the place of business

nor to a renewal of a license of any establishment where, subsequent to the original granting of the license a school building or place of worship was erected within 1,000 feet.

(5) This subsection does not apply to any license issued under § 6–201(r)(3), (4), (6), (8), (15), (16), or (18) or § 7–101 of this article.

(6) This restriction does not apply in the case of a private kindergarten or nursery school.

(e–1) The Board of License Commissioners may not issue a new Class A license for or transfer an existing Class A license to a location within three–fourths of a mile of a correctional facility, as defined in § 1–101 of the Correctional Services Article, in Upper Marlboro.

(f) (1) (i) Except as provided in § 6–201(r)(15) of this article, a person, whether acting on that person’s behalf or on the behalf of another person or entity, corporation, association, partnership, limited partnership or other combination of persons (natural or otherwise) for whatever reason formed, may not have an interest in more than one license authorizing the retail or wholesale sale of alcoholic beverages.

(ii) An interest shall be conclusively presumed to exist between 2 licensees or a licensee and an applicant for a license if any of the following conditions exist between them:

1. A franchise agreement;
2. A licensing agreement;
3. A concession agreement;
4. Where both are part of a chain of businesses commonly owned and operated and so portrayed to the public;
5. Any sharing of directors or stockholders or any sharing of directors or stockholders of parents or subsidiaries;
6. Common direct or indirect sharing of profit from the sale of alcoholic beverages; or
7. Sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public, except hotels and motels.

(iii) The Board of License Commissioners shall make determinations under this subsection without regard to whether a particular licensee or proposed licensee is or may be an independent contractor for purposes other than the application of this subsection.

(iv) A holder of a wholesale alcoholic beverages license is considered a licensee for purposes of this subsection and may not hold or have an interest, directly or indirectly, in an alcoholic beverages license of any class that authorizes retail sale of alcoholic beverages in Prince George's County.

(2) This subsection does not apply to licenses issued under the provisions of § 6–201(r)(2), (3), (5), (10), or (15), § 7–101, or § 8–505 of this article or to club licenses.

(3) Notwithstanding other provisions of this subsection or other provisions of this article, the Board of License Commissioners may permit an individual, partnership, or corporation to hold or have an interest in an unlimited number of BH licenses.

(4) If the Board of License Commissioners determines after a hearing that an interest exists in more than one license, the Board shall refuse to issue a new license or shall revoke an existing license, unless the license is operational and complied with law applicable at the time of its issuance.

(5) (i) This paragraph does not apply to a restaurant located within a chain store, supermarket, discount house, drug store, or convenience store.

(ii) Notwithstanding any other provision of this article, the Board of License Commissioners may allow an individual, partnership, corporation, unincorporated association, or limited liability company to hold or have an interest in more than one Class B beer, wine and liquor license, if the restaurant for which the license is sought is located within:

1. Any of the following areas that are underserved by restaurants:

A. Suitland business district, consisting of properties fronting on or having access to Silver Hill Road between Suitland Parkway and Sunset Lane, and on Suitland Road between Arnold Road and Eastern Lane;

B. Part of the Port Towns business district, consisting of properties fronting on or having access to Rhode Island Avenue, Bladensburg Road, Annapolis Road, or 38th Street, in legislative district 22; or

C. Largo area, consisting of properties within the area bounded by the Capital Beltway (I–495) on the west, Central Avenue and Landover Road on the south and southeast, Campus Way North on the east and Route 214 and Landover Road on the north and northwest; or

2. A. A waterfront entertainment retail complex as defined by a county zoning ordinance; or

B. A commercial establishment on 100 or more acres that is designated by the County Executive as a recreational, destination, or entertainment

attraction.

(iii) 1. Except as provided in sub-subparagraph 2 and 3 of this subparagraph, a license holder may not hold more than 4 Class B beer, wine and liquor licenses within all of the underserved areas described in subparagraph (ii)1 of this paragraph.

2. A license holder may be issued or transferred a fifth Class B beer, wine and liquor license only if the date of the application for the fifth license is at least 1 year after the date the license holder was issued or transferred the fourth license.

3. A license holder may be issued or transferred a sixth Class B beer, wine and liquor license only if the date of the application for the sixth license is at least 1 year after the date the license holder was issued or transferred the fifth license.

(iv) An individual, partnership, corporation, unincorporated association, or limited liability company that holds or has an interest in a license located in an underserved area described in subparagraph (ii)1 of this paragraph may not hold or have an interest in more than one license located outside of all the underserved areas.

(v) An individual, partnership, corporation, unincorporated association, or limited liability company may not hold or have an interest in more than one license in a commercial establishment described in subparagraph (ii)2 of this paragraph.

(vi) The annual license fee for a Class B license obtained under this paragraph is \$2,500.

(vii) A Class B license obtained under this paragraph does not confer off-sale privileges.

(viii) The residency requirements under § 9-101 of this title apply to an applicant for a Class B license under this paragraph.

(ix) The limit on the maximum number of Class B beer, wine and liquor licenses in the county under subsection (b) of this section applies to the issuance of licenses under this paragraph.

(6) (i) In this paragraph, “business licensing agreement” means an agreement that authorizes a person, in the operation of a restaurant, to use a trademark, trade name, or other identifying symbol owned by a licensor.

(ii) This paragraph does not apply to a restaurant located in a chain store, supermarket, discount house, drug store, or convenience store.

(iii) In accordance with the alcoholic beverages license quota limitations under subsection (b) of this section, the Board of License Commissioners may issue or transfer a Class B beer (on-sale) license or a Class B beer and wine (on-sale) license for use by:

1. A franchisee who operates a restaurant under a franchise agreement with a franchisor; or

2. A person who operates a restaurant under a business licensing agreement with a licensor.

(iv) Notwithstanding paragraph (1) of this subsection or other provisions of this article, the Board may issue or transfer a license under subparagraph (iii) of this paragraph regardless of whether a Class B beer (on-sale) license or Class B beer and wine (on-sale) license has been issued or transferred for use by:

1. Another franchisee operating a restaurant under a franchise agreement with the same franchisor; or

2. Another person operating a restaurant under a business licensing agreement with the same licensor.

(v) A person that receives a Class B beer (on-sale) or Class B beer and wine (on-sale) license under this paragraph may not hold another Class B beer (on-sale) or Class B beer and wine (on-sale) license unless authorized under another provision of law.

(vi) For the purposes of this paragraph:

1. A licensor or franchisor may not have an ownership interest in a person that receives a Class B beer (on-sale) or Class B beer and wine (on-sale) license under this paragraph; and

2. Notwithstanding item 1 of this subparagraph, a business licensing agreement or franchise agreement may require a person that receives a Class B beer (on-sale) or Class B beer and wine (on-sale) license under this paragraph to pay the licensor or franchisor a fee that is based on a percentage of revenue.

(7) Subject to § 6-201(r)(15) of this article, the Board of License Commissioners may issue:

(i) Up to four Class B-DD (Development District) licenses for restaurants located within the Capital Plaza commercial area, consisting of commercial properties within the area bounded by the Baltimore-Washington Parkway on the west and northwest, Maryland Route 450 on the south, and Cooper Lane on the east and northeast;

(ii) Up to four Class B-DD (Development District) licenses for

restaurants located within the area of Greenbelt Station, located inside the Capital Beltway and adjacent to the Greenbelt Metro Station;

(iii) Up to six Class B–DD (Development District) licenses may be issued to restaurants located within the area of Ritchie Station Marketplace; and

(iv) Subject to subsection (o) of this section, up to six Class B–DD (Development District) licenses to restaurants located within the Towne Centre at Laurel.

(g) If an existing license has been issued to individuals for the use of a corporation or club and thereafter the licensee desires to substitute one or more of the officers of such corporation or club, the substitution may be requested by filing with the Board of License Commissioners for the county a petition setting forth the necessary information for the substitution or substitutions without the necessity of filing a formal application for transfer of license as otherwise provided in this article. The petition for substitution of officers shall be approved by the Board upon a proper showing that the licensee would still meet the requirements of the law as set forth elsewhere in this article.

(h) (1) Except as provided in paragraph (2) of this subsection, an alcoholic beverage license with an off–sale privilege of any class, except by way of renewal, may not be transferred or issued to any business establishment of the type commonly known as chain stores, supermarkets, discount houses or their franchisors and franchisees or concessionaires. However, those establishments holding an alcoholic beverage license at the time of enactment of this section may continue to hold such license, and may, at the discretion of the Board of License Commissioners, change the classification of their license.

(2) Notwithstanding any other provision of this article, the Board of License Commissioners may approve the transfer from the 47th alcoholic beverages district to the 21st alcoholic beverages district of one Class D beer and light wine license with an off–sale privilege for use by a supermarket or similar type of premises.

(i) An application for an alcoholic beverage license may not be considered prima facie evidence that the applicant or applicants are entitled to the license. Because of the limitation on licenses as set forth in subsection (b) of this section the burden of proof is upon the applicant or applicants to show to the Board of License Commissioners that the issuance of a license to the applicant or applicants is necessary for the accommodation of the public at the premises applied for. The limitations on licenses enumerated in subsection (b) of this section may not be construed as the number of licenses the Board is obligated to issue.

(j) The residency requirement provided for in § 9–101 of this article applies to any issuance, renewal, or transfer of a license.

(k) (1) This subsection does not prohibit the issuance of a Class B–DH

(draffhouse) license for use on the premises of a draffhouse as defined in § 8–702(a) of this article.

(2) The Prince George’s County Board of License Commissioners may not issue an alcoholic beverages license for use on the premises of a motion picture theater.

(1) (1) The Board of License Commissioners may not issue any new beer, wine or liquor licenses that have an off–sale privilege within, or transfer any additional beer, wine or liquor licenses that have an off–sale privilege into the boundaries of the 21st (that part located within the county), 22nd, 23rd, 24th, 25th, 26th, 27th (that part located within the county), or 47th alcoholic beverages district as follows:

(i) The 21st alcoholic beverages district at all times shall be coterminous with the Prince George’s County part of the 21st legislative district. As ordered by the Maryland Court of Appeals on June 21, 2002, the Prince George’s County part of the 21st alcoholic beverages district consists of:

1. Prince George’s County election district 1;
2. Prince George’s County election district 10, precincts 1 through 5, 9, 12, and 13;
3. Prince George’s County election district 21, precincts 1, 2, 4, 14, 15, and 17;
4. That part of Prince George’s County election district 21, precinct 5 consisting of census tract 8073.05, block 1014; and
5. That part of Prince George’s County election district 21, precinct 10 consisting of the following census tracts and blocks:
 - A. Census tract 8067.03, blocks 1010, 1011, and 1014;
 - B. Census tract 8069.00, blocks 1000 through 1019 and 3000 through 3021;
 - C. Census tract 8070.00, blocks 1000 through 1025; and
 - D. Census tract 8074.08, blocks 4015 and 4016;

(ii) The 22nd alcoholic beverages district at all times shall be coterminous with the 22nd legislative district in Prince George’s County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 22nd alcoholic beverages district consists of:

1. Prince George’s County election district 19;
2. Prince George’s County election district 2, precincts 6 and

10;

3. Prince George's County election district 14, precinct 8;
4. Prince George's County election district 16, precincts 2
through 5;

5. Prince George's County election district 17, precincts 9 and
12;

6. Prince George's County election district 20, precincts 1, 2,
6, 7, and 11;

7. Prince George's County election district 21, precincts 3, 6
through 9, 11 through 13, and 16;

8. That part of Prince George's County election district 2,
precinct 5 consisting of the following census tracts and blocks:

A. Census tract 8039.00, blocks 1000 through 1013, 2000
through 2007, and 3000 through 3015;

B. Census tract 8040.01, blocks 2001 and 2002; and

C. Census tract 8040.02, blocks 1003, 1010, 2000 through
2002, and 2004;

9. That part of Prince George's County election district 2,
precinct 8 consisting of census tract 8063.00, block 2016;

10. That part of Prince George's County election district 16,
precinct 1 consisting of the following census tracts and blocks:

A. Census tract 8040.02, blocks 2049 and 2995;

B. Census tract 8063.00, blocks 1000, 1012 through 1035, 1996
through 1999, 2001, 2003 through 2015, and 2997 through 2999; and

C. Census tract 8065.01, blocks 2996, 2997, 3011 through
3015, 3996, and 3997; and

11. That part of Prince George's County election district 21,
precinct 10 consisting of the following census tracts and blocks:

A. Census tract 8067.03, block 1001; and

B. Census tract 8074.08, block 4014;

(iii) The 23rd alcoholic beverages district at all times shall be

coterminous with the 23rd legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 23rd alcoholic beverages district consists of:

1. Delegate district 23A (two member delegate district):
 - A. Prince George's County election district 7, precincts 1 through 5;
 - B. Prince George's County election district 10, precincts 6 through 8, 10, and 11;
 - C. Prince George's County election district 14, precincts 1 through 7, 9, and 10;
 - D. Prince George's County election district 20, precincts 9 and 10; and
 - E. That part of Prince George's County election district 20, precinct 5 consisting of census tract 8004.08, blocks 2013, 2020, 2021, and 2022; census tract 8036.07, blocks 3009 through 3011; and census tract 8036.08, blocks 1000 through 1002, 1005 through 1009, 1011 through 1015, 2000 through 2006, and 2008 through 2010; and

2. Delegate district 23B (single member delegate district):
 - A. Prince George's County election district 3, precincts 2 and 3; and
 - B. Prince George's County election district 7, precincts 6 through 11;

(iv) The 24th alcoholic beverages district at all times shall be coterminous with the 24th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 24th alcoholic beverages district consists of:

1. Prince George's County election district 6, precincts 3, 6, 9, 12, 15, and 19;
2. Prince George's County election district 13, precincts 1, 3, 5, 7, 8, 10, and 14 through 17;
3. Prince George's County election district 18, precincts 1 through 4 and 7 through 11;
4. Prince George's County election district 20, precincts 4 and 8;

5. That part of Prince George's County election district 18, precinct 5 consisting of the following census tracts and blocks:

A. Census tract 8031.00, blocks 1003 through 1015, 1021, 1022, 1024 through 1029, and 2000 through 2017; and

B. Census tract 8033.00, blocks 3006 and 3008; and

6. That part of Prince George's County election district 18, precinct 6 consisting of census tract 8028.04, blocks 4005 and 4006;

(v) The 25th alcoholic beverages district at all times shall be coterminous with the 25th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 25th alcoholic beverages district consists of:

1. Prince George's County election district 3, precinct 4;

2. Prince George's County election district 6, precincts 1, 4, 5, 7, 10, 11, 14, 16, 18, and 20 through 23;

3. Prince George's County election district 7, precinct 12;

4. Prince George's County election district 9, precincts 1, 3, 10, and 11;

5. Prince George's County election district 13, precincts 4, 6, 9, and 11 through 13;

6. Prince George's County election district 15, precinct 2; and

7. That part of Prince George's County election district 18, precinct 6 consisting of census tract 8028.04, blocks 1006 through 1009, 2000 through 2003, 3000 through 3021, 4000, and 4002 through 4004;

(vi) The 26th alcoholic beverages district at all times shall be coterminous with the 26th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 26th alcoholic beverages district consists of:

1. Prince George's County election district 12;

2. Prince George's County election district 5, precincts 2, 3, and 5 through 7;

3. Prince George's County election district 6, precincts 2, 8, 13, and 17; and

4. Prince George's County election district 9, precincts 2 and

5;

(vii) The 27th alcoholic beverages district at all times shall be coterminous with the Prince George's County part of the 27th legislative district. As ordered by the Maryland Court of Appeals on June 21, 2002, the Prince George's County part of the 21st alcoholic beverages district was in delegate district 27A (two member delegate district) and consists of:

1. Prince George's County election districts 4, 8, and 11;
2. Prince George's County election district 3, precinct 1;
3. Prince George's County election district 5, precincts 1, 4,
and 8;
4. Prince George's County election district 9, precincts 4 and
6 through 9; and
5. Prince George's County election district 15, precincts 1, 3,
and 4; and

(viii) The 47th alcoholic beverages district at all times shall be coterminous with the 47th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 47th alcoholic beverages district consists of:

1. Prince George's County election district 2, precincts 1
through 4, 7, and 9;
2. Prince George's County election district 13, precinct 2;
3. Prince George's County election district 17, precincts 1
through 8, 10, 11, 13, and 14;
4. Prince George's County election district 20, precinct 3;
5. That part of Prince George's County election district 2,
precinct 5 consisting of the following census tracts and blocks:
 - A. Census tract 8040.01, block 2000; and
 - B. Census tract 8040.02, block 2003; and
6. That part of Prince George's County election district 2,
precinct 8 consisting of the following census tracts and blocks:
 - A. Census tract 8039.00, blocks 3016 and 3017;
 - B. Census tract 8040.01, blocks 1000 through 1006, 2003, and

2004;

C. Census tract 8040.02, blocks 1000, 1001, 1002, 1004 through 1009, 1011 through 1017, 2005, 2006, 2007, 2009 through 2034, 2040, 2047, 2048, 2994, 2996, 2997, 2998, and 2999;

D. Census tract 8043.00, blocks 1000 through 1005, 1011, and 1014 through 1018;

E. That part of Prince George's County election district 16, precinct 1 consisting of census tract 8040.02, block 2008;

F. That part of Prince George's County election district 18, precinct 5 consisting of census tract 8031.00, blocks 1000, 1001, 1002, 1016 through 1020, and 1023; and census tract 8033.00, block 3007;

G. That part of Prince George's County election district 20, precinct 5 consisting of census tract 8036.01, blocks 1001 through 1005; and census tract 8036.08, blocks 1003, 1004, 1010, 2007, 3000 through 3005, 4000, and 4002 through 4011; and

H. That part of Prince George's County election district 21, precinct 5 consisting of census tract 8073.01, block 1001; and census tract 8073.05, blocks 1002 through 1013, 2001 through 2009, and 2011 through 2014.

(2) The Prince George's County Board of License Commissioners may approve the issuance or transfer of a license into the boundaries of the 21st (that part located within the county), 22nd, 23rd, 24th, 25th, 26th, 27th (that part located within the county), or 47th alcoholic beverages district provided any off-sale privileges of the license are permanently waived as long as the license remains within the boundaries of the district.

(3) Notwithstanding any provision of this section, on or after July 1, 2015, one Class D (on-sale) beer and wine license issued for premises in the 7100 block of Baltimore Avenue in the City of College Park may be converted into a Class D (on- and off-sale) beer and wine license for premises that are located in the 7100 to 7200 block of Baltimore Avenue in the City of College Park.

(m) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Board" means the Board of License Commissioners.

(iii) "Food stores" includes supermarkets.

(iv) "Off-sale" means the sale of alcoholic beverages that are to be consumed off the licensed premises.

(v) “On-sale” means the sale of alcoholic beverages that are to be consumed only on the licensed premises.

(2) Without regard to its class of license, a licensee may not devote more than 10,000 square feet of floor space to off-sale use.

(3) Except as to food stores that had an alcoholic beverages license on or before January 1, 1995, floor space shall be considered the space devoted to the retail sale of alcoholic beverages for off-sale consumption which, in the case of all licenses without on-premises consumption privileges, is located within the four walls of the building from which the licensed business operates or, in the case of licenses with on-sale and off-sale privileges, is actually used for the sale, display or storage of those beverages. In all cases, floor space includes:

(i) Basements on licensed premises; and

(ii) Whatever other area off the licensed premises upon which the beverages are at any time lawfully stored.

(4) (i) This subsection does not prohibit the renewal or transfer of ownership or location of a license issued in conjunction with any business that on or before January 1, 1995, has in excess of 10,000 square feet devoted to off-sale use.

(ii) The square footage of floor space used for the sale, display, or storage of the beverages may not be expanded beyond 10,000 square feet.

(iii) Food stores having an alcoholic beverages license on or before January 1, 1995, may not expand the actual square footage of their alcoholic beverages departments, including sales, display, and storage areas, beyond a total of 10,000 square feet. This size shall be determined without regard to the total area available within the four walls of the business premises.

(iv) There is no presumption in favor of or which otherwise requires the Board to approve requests by licensees to expand the amount of space devoted to the retail sale of beverages for off-sale consumption up to 10,000 square feet unless the Board finds, based upon the evidence presented to them, that:

1. The expansion is necessary to accommodate the public; and

2. The licensee otherwise continues to meet the criteria for issuance or transfer of a license and whatever other conditions are imposed by the Board.

(n) A holder of a license issued by the Board may not impose a cover charge, offer facilities for patron dancing, or provide entertainment unless the holder is specifically authorized under this article and meets all requirements under County law.

(o) (1) The Board of License Commissioners may convert one Class B-DD

(Development District) license authorized under subsection (f)(7)(iv) of this section to be a Class A beer, wine and liquor license authorized under § 6–101 of this article to be issued to an establishment located within the Towne Centre at Laurel.

(2) If the Board of License Commissioners converts a Class B–DD (Development District) license to a Class A beer, wine and liquor license under paragraph (1) of this subsection, the Board of License Commissioners may not issue more than 5 Class B–DD (Development District) licenses under subsection (f)(7)(iv) of this section.

§9–217.1.

In Prince George’s County, an off-sale license of any class shall not be issued, or if issued shall not be used, where the license applicant, or holder, proposes or in fact restricts the sale of alcoholic beverages to any specific group or limited membership. If after issuance of such a license, the holder conducts his business for the sale of alcoholic beverages to a specific group or limited membership, it shall be the duty of such license holder to report such fact to the Board, within thirty days of the commencement of operation of such business in such manner, and to surrender to the Board the license theretofore issued.

§9–218.

(a) In Queen Anne’s County, when application for a license is made to sell alcoholic beverages in a building which has not been completed, the Queen Anne’s County Board of License Commissioners may give tentative approval of the application on the basis of plans and specifications accompanying the application. Upon completion of the building in accordance with the specifications, the Board may issue the license.

(b) (1) (i) Subparagraph (ii) of this paragraph does not apply to an establishment for which a Class B (on–sale) hotel and restaurant license of any type is proposed.

(ii) In Queen Anne’s County, the distance restriction requirement between an establishment proposed for licensure and a secondary or elementary school, church or other place of worship, public library, or a youth center that is sponsored or conducted by any governmental agency shall be 500 feet.

(2) Any distance restriction required under paragraph (1) of this subsection shall be measured from the nearest point of the building of the establishment for which a license is proposed to the nearest point of the property line of the school, place of worship, library, or youth center.

(c) This section does not apply to, affect or prohibit, in any manner, the renewal or transfer of any license issued prior to May 1, 1976.

§9–219.

(a) This section applies only in St. Mary’s County.

(b) (1) Except as provided in paragraph (2) of this subsection, the Board of License Commissioners may not approve any application for a license to sell alcoholic beverages in any building the nearest wall of which measured in a direct line is within 300 feet of the nearest point of the main buildings of any public or nonpublic kindergarten, elementary or secondary school, church or other place of worship.

(2) Paragraph (1) of this subsection is not applicable:

(i) To an application for a Class B (on-sale) beer, wine and liquor license for a premises located in Leonardtown; or

(ii) In the event any school, church, or other place of worship locates its building within 300 feet of any licensed premises after the licensed premises are there established.

(c) The Board of License Commissioners may not issue or transfer an off-sale alcoholic beverages license of any class for the use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

(d) (1) The Board of License Commissioners:

(i) May not issue more than 1 Class A alcoholic beverages license with an off-sale privilege for each unit of 1,350 people in each election district in the county; and

(ii) Shall maintain the license quota stated in item (i) of this paragraph by using the population figures of the most recent St. Mary’s County Planning Commission annual report.

(2) A license issued under this subsection may not be transferred from one election district to another election district unless the transfer can be made without exceeding the license quota stated in paragraph (1)(i) of this subsection.

§9–220.

(a) (1) Except as provided in paragraph (2) of this subsection, in Somerset County, the Board of License Commissioners may not approve any license to sell alcoholic beverages within a 300 foot measurement from the nearest point of the building that is the proposed establishment for which the license is requested to the nearest point of the property line of a school, church or other place of worship, public library, or youth center.

(2) Paragraph (1) of this subsection does not apply to:

(i) A licensed establishment that existed before the school, church or other place of worship, public library, or youth center was built within 300 feet of the licensed establishment; and

(ii) An establishment having any previous owner who was the holder of a license to sell alcoholic beverages.

(b) This section may not apply to the issuance of special or temporary licenses.

§9-222.

(a) In Washington County, except for a special or temporary license or a certificate of permission or renewal license issued to a personal representative under § 10-506 of this article, the Board of License Commissioners may not issue a license to sell alcoholic beverages:

(1) Until all outstanding gaming proceeds, payments, and fines that are due and owing by the licensee or applicant have been paid or judicially satisfied; and

(2) For any premises that previously have been licensed under this article, until all county taxes that are due and owing by the licensee for the operation of the business under the previous license have been paid or judicially satisfied.

(b) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Population ratio quota" means 1 license for each 3,000 individuals, excluding individuals detained or confined in a correctional facility as defined under § 1-101(d) of the Correctional Services Article, who reside in the election district where the license will be issued as determined by the last federal population census.

(iii) "Restaurant" means an establishment that:

1. Is located in a permanent building;
2. Regularly sells and serves food to the general public;
3. Has a seating capacity of at least:
 - A. 75 persons for a Class B alcoholic beverages (on- and off-sale) license; or
 - B. 50 persons for a Class B alcoholic beverages (on-sale) license; and
4. Has on an annual basis, gross sales of food and nonalcoholic

beverages that exceed its annual gross sales of alcoholic beverages.

(2) In Washington County, except for a Class B alcoholic beverages (on-sale) license issued to a restaurant under § 8–222.1 of this article and any class of alcoholic beverages license renewed or transferred for the same premises, an alcoholic beverages license may not be issued within an election district if the number of alcoholic beverages licenses exceeds the population ratio quota.

(3) (i) If the Washington County Board of License Commissioners determines that there is a public need including governmentally sanctioned economic revitalization for the issuance of a license notwithstanding the population ratio quota, the license may be issued by the Board.

(ii) The Board shall state in the order granting the issuance of the license the reasons for its decision to exceed the population ratio quota.

§9–223.

(a) This section applies only in Wicomico County.

(b) (1) In this section the following words have the meanings indicated.

(2) “Church” means a building principally used for religious services.

(3) “Downtown Plaza” means that area in the City of Salisbury from the intersection of Camden Avenue and Carroll Street eastward along Carroll Street to U.S. Route 13, thence in a northerly direction to U.S. Route 50, thence in a westerly direction to Mill Street, thence in a southerly direction to the point of origin. The area includes only the area encompassed within the polygon and does not include businesses located on the opposite sides of the streets.

(4) “Measurement” means the recording of the distance as a person could walk directly between the 2 points and not in a direct linear form commonly expressed as “how the crow flies”.

(5) “School” means a public or private elementary or secondary institution of education.

(c) The Board of License Commissioners may not issue any license to sell alcoholic beverages within a 500 foot measurement from the main entrance of the building that is the proposed establishment for which the license is requested to the main entrance of a school or of a church or other place of worship.

(d) A person may apply for a license within 6 months following the termination of a license at an existing location that falls within the restrictions imposed by subsection (c) of this section.

(e) This section does not apply to:

- (1) The issuance of special or temporary licenses; or
- (2) The Downtown Plaza.

§9-224.

- (a) This section applies only in Worcester County.

(b) The Board of License Commissioners may not issue or transfer an off-sale alcoholic beverages license of any class for the use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

§9-301.

In the enumerated subdivisions below, a person, partnership, firm or corporation, except by way of renewal, may not have an interest in more than one license, whether held or controlled by direct or indirect ownership, by stock ownership, interlocking directors or interlocking stock ownership, or in any other manner, directly or indirectly. It is the intention of this section to prohibit any person, firm, partnership or corporation from having any interest, directly or indirectly, in more than one license.

- (1) In Baltimore County:

(i) 1. Except that the provisions of this section do not apply to licenses issued for premises operated as a motel or motor court having 100 rooms or more; and

2. Except by way of renewal, a person, franchisor, franchisee, or chain store operation may not have an interest in more than 1 Class A (off-sale) alcoholic beverages license, whether that license is to be held or controlled by:

- A. Direct or indirect ownership;
- B. A franchise operation;
- C. A chain store operation;
- D. Stock ownership;
- E. Interlocking directors or interlocking stock ownership; or
- F. Any other method of ownership or control.

- (ii) Item 2 of subparagraph (i) is intended:

1. To regulate Class A (off-sale) alcoholic beverages licenses for the use in franchised or chain store operations in Baltimore County; and

2. To be in addition to the provisions of this section and the provisions of § 9-102 of this title.

(2) Worcester County. - Except that the provisions of this section do not apply to any licenses issued under § 9-102(j) of this title.

(3) (i) In Anne Arundel County, a person, franchisor, franchisee, chain store operation, partnership, firm or corporation, except by way of renewal, may not have any interest in more than one license, whether held or controlled by direct or indirect ownership, by franchise operation, by chain store operation, by stock ownership, interlocking directors or interlocking stock ownership, or in any other manner directly or indirectly. It is the intention of this subsection to prohibit any such persons, franchisor, franchisee, chain store operation, firm, partnership, or corporation from having any interest, directly or indirectly, in more than one license. Nothing in this subsection applies to or affects any such type of business establishment already holding such a license or the possibility of such licensee having the license transferred to a similar type of business establishment.

(ii) This subsection does not apply to licenses issued under the provisions of §§ 8-202(i) and 9-102(h-1) of this article.

(4) In Howard County:

(i) 1. Except for renewals, a person, partnership, firm, or corporation may not have an interest in more than one alcoholic beverages license in Howard County whether held or controlled by direct or indirect ownership, by stock ownership, interlocking directors or interlocking stock ownership, or in any other manner, directly or indirectly; and

2. Except for renewals, it is the intention of this paragraph to prohibit any person, firm, partnership, or corporation from having any interest, directly or indirectly, in more than one license.

(ii) The prohibitions in this subsection do not apply to the number of licenses authorized under § 8-408.1 or § 9-102(o) of this article.

(5) (i) In Baltimore City, except as authorized by § 9-102 of this title, a person, franchisor, franchisee, chain store operation, partnership, firm or corporation, except by way of renewal, may not have any interest in more than one Class A license, whether held or controlled by direct or indirect ownership, by franchise operation, by chain store operation, by stock ownership, interlocking stock ownership, or in any other manner directly or indirectly. It is the intention of this subsection to prohibit any such persons, franchisor, franchisee, chain store operation, firm, partnership, or corporation from having any interest, directly or indirectly, in more than one Class A license. Nothing in this subsection applies to or affects any such type of business establishment already holding such a license or the possibility of such licensee having the license transferred to a similar type of business establishment.

(ii) This subsection is intended:

1. To regulate alcoholic beverages licenses for the use in franchised operations in Baltimore City; and

2. To be in addition to the provisions of § 9-102 of this article.

§10-101.

(a) Every application for a manufacturer's or for a wholesaler's license, or for any form of a Class E (on sale -- steamboats) or of a Class F (on sale -- railroads) or of a Class G (on sale -- airplanes) license shall be filed with the Comptroller. Every application for any of the other licenses for which this article provides shall be filed with the local licensing board where the place of business is to be located.

(b) Whenever the place of business sought to be licensed lies in more than one county, or in the City of Baltimore and a county, it shall be deemed to be wholly within the county or the City of Baltimore where the major portion lies; and all alcoholic beverage laws of that place shall govern the licensing, regulation and operation of the entire place of business.

(c) Whenever the place of business sought to be licensed lies equally in more than one county, or in the City of Baltimore and a county, it shall be deemed to be wholly within the county or the City of Baltimore which has the most expensive license fee; and all alcoholic beverage laws of that place shall govern the licensing, regulation and operation of the entire place of business. The local collecting agent collecting a fee for a license under this subsection shall remit equal portions of the fee to the local collecting agents in the counties or county and city where the place lies.

§10-102.

Every application for a Class E, Class F or Class G license shall be upon forms prescribed by the Comptroller, sworn to by the applicant, and shall contain the following information: (1) the name and address of the applicant and how long he has resided within the State of Maryland; (2) the particular company on behalf of which the license is desired; (3) the class of license desired; (4) a statement that the applicant is a citizen of the United States, not less than twenty-one years of age, and that such applicant has never been convicted for a felony; (5) that the applicant has not had a license for the sale of alcoholic beverages revoked; (6) a statement that the applicant will, if granted a license, conform to all laws and regulations relating to the business with respect to which such license is desired; (7) and a statement by such company assenting to the granting of the license applied for, and authorizing the Comptroller, his duly authorized deputies, inspectors and clerks, to inspect and search, without warrant, any and all airplanes, cars or boats to which such license applies, at any and all hours; provided no such inspection or search shall be made at such time or in such manner as to delay or interfere with the movement of any airplane, train or boat.

§10–103.

(a) (1) In this section the following words have the meanings indicated.

(2) “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(3) “County police” as it applies to Harford County includes the Harford County Sheriff’s Department and all Harford County municipal police departments.

(a–1) (1) This subsection applies to any criminal history records check requested by a local licensing board under this section.

(2) The local licensing board shall apply to the Central Repository for a State and national criminal history records check for each applicant and license holder.

(3) As part of the application for a criminal history records check, the local licensing board shall submit to the Central Repository:

(i) Two complete sets of legible fingerprints of the applicant or license holder taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) The fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii) The mandatory processing fee that the Federal Bureau of Investigation requires for a national criminal history records check.

(4) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the applicant or license holder and the local licensing board the criminal history record information of the applicant or licensee.

(5) Information obtained from the Central Repository under this section:

(i) Shall be confidential;

(ii) May not be disseminated; and

(iii) Shall be used only for the licensing purpose authorized by this section.

(6) The subject of a criminal history records check under this subsection may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

(7) When criminal history record information of an applicant or license holder is reported to the Central Repository after the initial criminal history records

check is completed, the Central Repository shall provide the local licensing board with a revised printed statement of the criminal record of the applicant or license holder.

(8) If the local licensing board informs the Central Repository that an individual is no longer an applicant or license holder, the Central Repository shall stop providing the local licensing board with revised printed statements of the criminal record of the individual.

(b) Except as otherwise provided in this subtitle, every new application for a license shall be made to the Board of License Commissioners on forms prescribed by the Comptroller and sworn to by the applicant. Every application for a license shall contain the following:

(1) The class of license desired;

(2) The name and residence of the applicant and how long he has resided at that address;

(3) (i) A statement that the applicant is a citizen of the United States;
or

(ii) In Prince George's County, if the applicant is not a citizen of the United States, a statement that the applicant is in legal status in accordance with federal law;

(3-a) (i) In Baltimore County and Howard County, a statement whether the applicant is a natural-born citizen or a naturalized citizen and, if the applicant is not a natural-born citizen or a naturalized citizen, information or documentation required by the Baltimore County Board of Liquor License Commissioners or the Board of License Commissioners of Howard County to show proof of alien status.

(ii) The Baltimore County Board of Liquor License Commissioners and the Board of License Commissioners of Howard County may obtain information from the Social Security Administration and the Department of Homeland Security – Immigration and Customs to verify the applicant's citizenship or alien status.

(4) (i) Except as provided in subparagraphs (iii), (v), and (vii) of this paragraph, a statement that the applicant has been for two years next preceding the filing of the application a resident of the county or of the City of Baltimore in which the applicant proposes to operate under the license applied for.

(ii) The Board of License Commissioners of Prince George's County shall apply the residency requirements as specified in § 9–101 of this article.

(iii) In Dorchester County the residency requirement is 1 year.

(iv) In Carroll County, in addition to the applicant's residential statement required under this section, the license shall remain valid only for as long

as the resident applicant remains a resident of the county.

(v) In Baltimore County, a statement that the applicant has been for 2 years next preceding the filing of the application a resident of the State is required.

(vi) An applicant for a license issued in the City of Annapolis may meet the residency requirement by residing anywhere in Anne Arundel County.

(vii) In Montgomery County, an individual who is a resident of the State meets the residency requirement under subparagraph (i) of this paragraph.

(5) The age and sex of the applicant;

(6) Except as provided in subsection (b-1) of this section, the place of birth of the applicant, and if a naturalized citizen, when and where the applicant was naturalized;

(7) The particular place for which a license is desired, designating the same by street and number if practicable; if not, by such other apt description as definitely locates it and also a description of the portion of the building in which the business will be conducted;

(8) The name of the owner of the premises upon which the business sought to be licensed is to be carried on;

(9) (i) A statement that the applicant has never been convicted of a felony and a further statement as to whether he has ever been adjudged guilty of violating the laws governing the sale of alcoholic beverages or for the prevention of gambling in the State of Maryland;

(ii) In Worcester County a statement that the applicant has never offered a plea of nolo contendere to a felony indictment which was accepted by a court;

(iii) In Somerset and Wicomico counties, a statement that the applicant consents to the Board investigating the applicant's criminal record;

(iv) 1. In Prince George's and Worcester counties, a signed statement by the applicant that the applicant has not been convicted of a felony or if the application is being made for the use of a corporation, that the applicant and none of the stockholders of that corporation have been convicted of a felony;

2. In Worcester County, that the owner of the corporation has not been convicted of a felony; and

3. In Charles County, a signed statement by the applicant that the applicant has not been convicted of a felony, or, except for an applicant for a Class B beer, wine and liquor (BLX) luxury restaurant license, if the application is being made for the use of a corporation, that the applicant and none of the stockholders of that

corporation have been convicted of a felony; and

(v) 1. A. In this subparagraph the following words have the meanings indicated.

B. “Applicant” means an applicant for a new alcoholic beverages license or for a transfer of an existing alcoholic beverages license.

C. “Board” means the Board of License Commissioners of Somerset County.

2. This subparagraph applies only in Somerset County.

3. The Board shall:

A. Require an applicant to be fingerprinted;

B. Forward the fingerprints to the Central Repository; and

C. Request from the Central Repository a State and national criminal history records check of the applicant.

4. The Board may not disseminate information from criminal records to the public but may make information from criminal records available to members of the Board and their designees.

5. The Board shall charge an applicant a fee to cover the cost of fingerprinting and performing a State and national criminal history records check.

6. The Board may exempt from this subparagraph a license holder who seeks to renew an alcoholic beverages license.

(10) A statement that the applicant has a pecuniary interest in the business to be conducted under said license;

(11) A statement that the applicant has not had a license for the sale of alcoholic beverages revoked;

(12) A statement that the applicant, or person on behalf of whom the application is filed, is not pecuniarily interested in any other place of business in said county or City of Baltimore where or for which a license has been applied for, granted or issued under this article, except as otherwise permitted in this article;

(13) (i) 1. A statement as to whether the applicant has ever been adjudged guilty of any offense against the laws of the State or of the United States.

2. The respective boards shall destroy the records obtained under subparagraphs (ii), (iv), (v), (vi), (vii), (viii), (ix), and (xii) of this paragraph upon completion of its necessary use of the records;

following: (ii) 1. The provisions of this subparagraph (ii) apply in the

- A. Anne Arundel County;
- B. Harford County;
- C. Prince George's County;
- D. St. Mary's County;
- E. Worcester County; and
- F. Howard County.

2. The county board of license commissioners or the liquor control board may obtain criminal records on alcoholic beverages license applicants and their agents in its respective county from the Central Repository and county police.

(iii) The Worcester County Board of License Commissioners also may obtain criminal records pursuant to the provisions of subparagraph (ii) of this paragraph on the stockholders which hold at least 10% interest in the corporation and owners of a corporation when the application is being made for the use of the corporation;

(iv) In Montgomery County:

1. The Board of License Commissioners shall:

A. Obtain criminal records of alcoholic beverages license applicants from the Central Repository and the Montgomery County Police;

B. Require applicants for alcoholic beverages licenses in the county to be fingerprinted; and

C. Forward the fingerprints through the Central Repository for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

2. Applicants for license renewal may be subject to these provisions.

(v) In Frederick County:

1. The Board of License Commissioners shall:

A. Obtain criminal records of alcoholic beverages license applicants from the Central Repository;

B. Require applicants for alcoholic beverages licenses in the county to be fingerprinted; and

C. Forward the fingerprints through the Central Repository for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

2. Applicants for license renewal may not be subject to these provisions.

(vi) 1. The provisions of this subparagraph apply only in Cecil County, Charles County, Dorchester County, and Kent County.

2. The Boards of License Commissioners shall:

A. Obtain criminal records of new alcoholic beverages license applicants from the Central Repository;

B. Require applicants for new alcoholic beverages licenses to be fingerprinted; and

C. Forward the fingerprints through the Central Repository for transmittal to the Federal Bureau of Investigation for a national criminal history records check. Applications for license renewal are not subject to these provisions.

3. The County Commissioners may set a fee to cover the cost of obtaining the fingerprints and the Maryland and national criminal history records check.

4. Except as provided in subsubparagraph 6 of this subparagraph, the Boards shall keep all criminal records in a sealed envelope available only to the members of the Boards and the clerks to the Boards.

5. The hearing for a new applicant and the issuance of a license may not be delayed due to the failure of the Federal Bureau of Investigation to provide the requested criminal history records check by the date of the scheduled hearing.

6. The Kent County Board of License Commissioners shall:

A. Keep all criminal records in a sealed envelope available only to the members of the Board and their designees; and

B. Adopt regulations to further preserve the confidentiality of information obtained under this subparagraph.

(vii) 1. The provisions of this subparagraph apply only in Wicomico County.

2. The Board of License Commissioners shall:
 - A. Obtain criminal records of license applicants from the Central Repository;
 - B. Require applicants for licenses to be fingerprinted; and
 - C. Forward the fingerprints through the Central Repository for transmittal to the Federal Bureau of Investigation for a national criminal history records check;

(viii) In Harford County:

1. The Liquor Control Board shall:
 - A. Obtain criminal records of alcoholic beverages license applicants from the Central Repository;
 - B. Require applicants for alcoholic beverages licenses in the county to be fingerprinted; and
 - C. Forward the fingerprints through the Central Repository for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and
2. Applicants for license renewal may not be subject to these provisions.

(ix) In Carroll County:

1. The Board of License Commissioners shall:
 - A. Obtain criminal records of alcoholic beverages license applicants from the Central Repository;
 - B. Require applicants for alcoholic beverages licenses in the county to be fingerprinted; and
 - C. Forward the fingerprints through the Central Repository for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and
2. Applicants for license renewal may not be subject to these provisions.

(x) 1. This subparagraph applies only in Garrett County.

2. In this subparagraph, “applicant” includes:

and

A. An applicant for renewal of an alcoholic beverages license;

B. A shareholder, member, partner, owner, or other person with an ownership interest in a business entity that applies for an alcoholic beverages license.

3. The Board of License Commissioners may:

A. Obtain criminal records of an alcoholic beverages license applicant from the Central Repository and from other law enforcement agencies;

B. Require an applicant to be fingerprinted;

C. Forward the fingerprints through the Central Repository for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

D. Set a fee to cover the cost of obtaining the fingerprints and State and national criminal records.

4. Criminal records shall be kept in a sealed envelope accessible only by Board members and their clerks, and the criminal records shall be destroyed on completion of their necessary use.

(xi) 1. In Calvert County, for each application for a new alcoholic beverages license or for a transfer of an existing alcoholic beverages license, the Board of License Commissioners shall:

A. Obtain criminal records of the license applicant from the Central Repository;

B. Require a license applicant to be fingerprinted; and

C. Forward the fingerprints through the Central Repository for transmittal to the Federal Bureau of Investigation for a national criminal history records check.

2. This subparagraph does not apply to an alcoholic beverages license renewal applicant.

(xii) In Howard County:

1. The Board of License Commissioners shall:

A. Obtain criminal records of alcoholic beverages license applicants from the Central Repository and from the Federal Bureau of Investigation;

B. Require applicants for alcoholic beverages licenses in the

county to be fingerprinted; and

C. Forward the fingerprints through the Central Repository for transmittal to the Federal Bureau of Investigation for a national criminal history records check.

2. Applicants for license renewal may be subject to this subparagraph.

3. The Board shall:

A. Keep all criminal records confidential; and

B. Make all criminal records in its possession available only to members, clerks, administrators, and inspectors of the Board of License Commissioners and to members, clerks, administrators, and inspectors of the Howard County Alcoholic Beverage Hearing Board.

(xiii) 1. A. In this subparagraph the following words have the meanings indicated.

B. "Applicant" means an applicant for a new alcoholic beverages license or for a transfer of an existing alcoholic beverages license.

C. "Board" means the Board of Liquor License Commissioners of Talbot County.

2. This subparagraph applies only in Talbot County.

3. The Board shall:

A. Require an applicant to be fingerprinted;

B. Forward the fingerprints to the Central Repository; and

C. Request from the Central Repository a State and national criminal history records check of the applicant.

4. The Board may not disseminate information from criminal records to the public but may make information from criminal records available to members of the Board and their designees.

5. The Board may charge an applicant for the cost of fingerprinting and performing a State and national criminal history records check.

6. The Board may exempt from this subparagraph a license holder who seeks to renew an alcoholic beverages license.

(xiv) In Baltimore City:

1. The Board of Liquor License Commissioners shall:
 - A. Obtain criminal records of alcoholic beverages license applicants from the Central Repository;
 - B. Require applicants for alcoholic beverages licenses in Baltimore City to be fingerprinted; and
 - C. Forward the fingerprints through the Central Repository for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

2. Applicants for license renewal may not be subject to the provisions of this subparagraph.

(xv) 1. In this subparagraph, “Board” means the Anne Arundel County Board of License Commissioners.

2. In Anne Arundel County, the Board shall apply to the Central Repository for State and national criminal history records checks for each alcoholic beverages license applicant.

3. As part of the application for a criminal history records check, the Board shall submit to the Central Repository:

A. Two complete sets of the applicant’s fingerprints taken on forms approved by the director of the Central Repository and the Director of the Federal Bureau of Investigation;

B. The fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

C. The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

4. In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Board the applicant’s criminal history record information.

5. Information obtained from the Central Repository under this subparagraph shall be:

A. Confidential and may not be disseminated; and

B. Used only for the licensing purpose authorized under this subparagraph.

6. The subject of a criminal history records check under this

subparagraph may contest the contents of the printed statement issued by the Central Repository under § 10–223 of the Criminal Procedure Article.

(14) A statement as to whether the applicant has ever held a license for the sale of alcoholic beverages, and if so, in what state and at what location therein;

(15) A statement that no person except the applicant is in any way pecuniarily interested in said license or in the business to be conducted thereunder during the continuance of the license applied for, and a further statement that no manufacturer, brewer, distiller, or wholesaler, directly or indirectly, has any financial interest in the premises or business of the applicant and that the applicant will not thereafter convey or grant to any such manufacturer, brewer, distiller or wholesaler any such interest, except as otherwise permitted in this article; and that the applicant has at the time of making the application no indebtedness or other financial obligations and will not thereafter incur any such indebtedness or other financial obligation, directly or indirectly, to any manufacturer, brewer, distiller or wholesaler other than for the purchase of alcoholic beverages;

(16) A statement that the applicant will, if granted a license, conform to all laws and regulations relating to the business in which the applicant proposes to engage;

(17) (i) A statement duly executed and acknowledged by the owner of the premises in which the business is to be conducted assenting to the granting of the license applied for, and authorizing the Comptroller, his duly authorized deputies, inspectors and clerks, the board of license commissioners of the county or city in which the place of business is located, its duly authorized agents and employees, any peace officer of that city or county, and any peace officer of any incorporated municipality in which the business is to be conducted, to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which the business is to be conducted, at any and all hours.

(ii) In Montgomery County, a statement and acknowledgment is not required where the applicant for a license is the lessee of the entire building in which the business is to be conducted for the entire term of the license to be issued.

(iii) In Baltimore City, a statement and acknowledgment by the owner is not required when the applicant is applying for a license pursuant to § 9–204.1(d) of this article if the applicant files an affidavit that the applicant is the lessee of the premises and accompanies the affidavit with a copy of the executed lease;

(18) (i) Subject to subparagraphs (ii) through (iv) of this paragraph, a certificate signed by at least ten citizens who are owners of real estate and registered voters of the precinct in which the business is to be conducted, stating the length of time each has been acquainted with the applicant, or in the case of a corporation with the individuals making the application; that they have examined the application of the applicant and that they have good reason to believe that all the statements contained in this application are true, and that they are of the opinion that the applicant is a

suitable person to obtain the license. The certificate must have a statement that the signers of it are familiar with the premises upon which the proposed business is to be conducted, and that they believe the premises are suitable for the conduct of the business of a retail dealer in alcoholic beverages.

(ii) In St. Mary's County, persons who are owners of real estate within 5 miles of the premises for which a license is sought and registered voters of St. Mary's County shall be those persons signing the certificate.

(iii) The certificate required by subparagraph (i) of this paragraph is not necessary for applications filed in Dorchester County, Prince George's County, Montgomery County, Anne Arundel County, Baltimore County, and Harford County.

(iv) 1. Subject to subparagraph 2 of this subparagraph, in Frederick County, persons who are owners of real estate within 5,000 feet of the premises for which a license is sought shall be those persons signing the certificate.

2. If an insufficient number of persons own real estate within 5,000 feet of the premises for which a license is sought, the persons signing the certificate shall be drawn from owners of real estate within the area of a circle that:

A. Has the premises for which a license is sought at its center;
and

B. Encompasses properties owned by at least 1,000 persons.

(b-1) In Prince George's County, if the applicant is in legal status in accordance with federal law, the application for a license shall contain proof of the applicant's legal status.

(c) (1) In Caroline County, when considering an application for a new license or a transfer of an existing license, the Board of License Commissioners shall:

(i) Obtain criminal records of the applicant from the Central Repository;

(ii) Require the applicant to submit the applicant's fingerprints;

(iii) Forward the fingerprints through the Central Repository for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

(iv) Keep all criminal records in a sealed envelope available only to the members of the Board and their designees.

(2) The Board shall charge a fee that the Board sets to cover the cost of obtaining the fingerprints and the results of the State and national criminal history records check.

(3) The Board may require applicants for license renewals to meet the requirements of this subsection.

(d) (1) In this subsection, “Board” means the St. Mary’s County Alcoholic Beverage Board.

(2) This subsection applies only in St. Mary’s County.

(3) For each license applicant, the Board shall:

(i) Apply to the Central Repository for a State and national criminal history records check; and

(ii) Submit as part of an application for a criminal history records check:

1. Two complete sets of the applicant’s legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

2. The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and

3. The fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records.

(4) The Central Repository shall provide the requested information in accordance with Title 10, Subtitle 2 of the Criminal Procedure Article.

(5) This subsection does not apply to an applicant for renewal of an alcoholic beverages license.

(6) The Board may establish a fee to cover the cost of obtaining:

(i) The applicant’s fingerprints; and

(ii) The State and national criminal history records check.

(7) The Board shall:

(i) Keep all criminal records confidential; and

(ii) Make all criminal records in its possession available only to Board members, the Board’s designees, the Board Administrator, and the Board’s inspector.

(8) A hearing for an applicant for an alcoholic beverages license and the issuance of a license may not be delayed due to the failure of the Federal Bureau of Investigation to provide the requested criminal history records check by the date of the scheduled hearing.

(9) The Board shall adopt regulations to implement this subsection.

(e) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Applicant” means an applicant for a new alcoholic beverages license or for a transfer of an existing alcoholic beverages license.

(iii) “Board” means the Board of License Commissioners of Washington County.

(2) This subsection applies only in Washington County.

(3) (i) The Board shall apply to the Central Repository for a State and national criminal history records check for each applicant.

(ii) As part of the application for a criminal history records check, the Board shall submit to the Central Repository:

1. Two complete sets of the applicant’s legible fingerprints taken on forms approved by the director of the Central Repository and the director of the Federal Bureau of Investigation;

2. The fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

3. The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(iii) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Board the applicant’s criminal history record information.

(4) The Board shall establish a fee to cover the cost of obtaining:

(i) The applicant’s fingerprints; and

(ii) The State and national criminal records.

(5) Information obtained from the Central Repository under this subsection:

(i) Is confidential and may not be disseminated;

(ii) May be used only for licensing purposes;

(iii) Shall be kept in sealed envelopes available only to Board members, inspectors, administrators, and designees of the Board; and

(iv) Shall be destroyed on completion of their necessary use.

(6) A hearing for an applicant and the issuance of a license may not be delayed due to the failure of the Federal Bureau of Investigation to provide the requested criminal records by the date of the scheduled hearing.

(7) The subject of a criminal history records check under this subsection may contest the contents of the printed statement issued by the Central Repository under § 10–223 of the Criminal Procedure Article.

(8) The Board shall adopt regulations to implement this subsection and preserve the confidentiality of the information obtained under this subsection.

§10–104.

(a) A requirement for an application for a license in this section shall be applicable in a county or Baltimore City as an additional requirement except where inconsistent with a requirement otherwise provided in this subtitle.

(b) In Allegany County the application shall also contain (1) a statement that the applicant is not less than twenty–one years of age; (2) a statement by the applicant that as a condition for the issuance and/or continuance of said license he will produce all records required to be kept under the provisions of this article to the Comptroller, his deputies or the Sheriff of Allegany County or the police officers of any municipal corporation therein, or as may be required in any proceeding before the Board of Alcoholic Beverages License Commissioners or the Circuit Court for Allegany County relating to said license or said place of business; (3) the name of two persons, or a bonding company, authorized under the provisions of this article, who will act as sureties upon the bond required in Allegany County; (4) a statement of all persons interested or to be interested, and, if the said license is to be taken out for a corporation, partnership or unincorporated association, the name of such corporation, partnership or unincorporated association; (5) a statement by the applicant as a condition for the issue of said license that he will produce all records required to be kept under the provisions of this article to the Comptroller or his deputies, or to the Sheriff of Allegany County, or to the police officers of any municipal corporation therein, or as may be required in any proceedings before the Board or before the court, relating to said license or place of business; (6) a certification from the Office of the Supervisor of Assessments of Allegany County showing the values of the merchandise, fixtures and stock–in–trade for the business for which said license is applied for, for the calendar year next preceding the year for which said license is to be issued. Said certification shall also show that there are no unpaid taxes due to the incorporated city or town or county in which the licensed activity is carried on or to the State of Maryland on the merchandise, fixtures and stock–in–trade as aforesaid. The petition shall be verified by the affidavit of the applicant or applicants made before a notary public, or the clerk of the Circuit Court. There shall be annexed to the application a petition signed by at least ten citizens or voters or property holders who have not signed any other petition for license granted under this article living or owning property in the vicinity of the

place for which license is applied, stating the full name, residence, or property owned of each person and certifying that they have been acquainted with the petitioner or petitioners for more than one year preceding said application for license, and that they have good reason to believe that all the statements contained in said petition are true, and they, therefore, pray that said petition be granted and that the license be issued as prayed for.

(c) (1) In Anne Arundel County, any administrative action that requires a hearing, including an application for a new license, a transfer of a license to a third party, or a change of ownership of a majority interest in a license, shall be accompanied by payment of an administrative fee of \$200 payable to the Board. This sum is in addition to any other fee required for a license in Anne Arundel County, and the administrative fee may not be returned whether the requested administrative action is granted or denied. The administrative fee shall be used by the Board to cover the expenses of the Board in connection with its functions. The provisions of this subsection do not apply to any application for a license by way of renewal.

(2) In Anne Arundel County, an application for an alcoholic beverage license is not prima facie evidence that the applicant is entitled to the license. The burden of proof is on the applicant to show the Board of License Commissioners that approval of the issuance of a license is necessary for the accommodation of the public at the applicant's premises.

(d) (1) In Baltimore City the certificate shall be signed by at least three citizens who shall be owners of real estate and registered voters of the City, setting forth a statement that the applicant is personally known to them and has been a resident or a taxpayer of the City for two years and a resident of the State of Maryland for two years preceding the presentation to them of the application, and in the case of a corporation at least one of the applicants is personally known to them and has been a resident or taxpayer of the City for a period of at least two years and a resident of the State of Maryland for two years preceding the presentation to them of the application and is a registered voter; and in the case of a partnership that all members of the partnership have been residents or taxpayers of the City for at least a period of two years and a resident of the State of Maryland for two years preceding the presentation of the application to them.

(2) (i) In this paragraph, "community association" means:

1. A nonprofit association, corporation, or other organization that is:

A. Composed of residents of a community within which a nuisance is located;

B. Operated exclusively for the promotion of social welfare and general neighborhood improvement and enhancement; and

C. Exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code; or

2. A nonprofit association, corporation, or other organization that is:

A. Composed of residents of a contiguous community that is defined by specific geographic boundaries, within which a nuisance is located;

B. Operated for the promotion of the welfare, improvement, and enhancement of that community; and

C. In good standing with the State Department of Assessments and Taxation.

(ii) In Baltimore City, if a community association and an applicant for the issuance or renewal of a Class B or D alcoholic beverages license have entered into a memorandum of understanding that expressly acknowledges the authority of the Board under this article, the Board of Liquor License Commissioners may make the issuance or renewal of the license conditional on the substantial compliance of the applicant with the memorandum of understanding.

(iii) The existence of a memorandum of understanding does not affect any requirement of any individuals to file a protest under § 10–301 or § 10–403 of this title.

(e) Repealed.

(f) (1) This subsection applies only in Calvert County.

(2) The Board of License Commissioners shall have power to waive the two years residence requirement contained in § 10–103 hereinabove in any case in which a person applying for the transfer of a license of a going business is the bona fide purchaser and proprietor thereof if the person can submit to the satisfaction of the Board proper persons who know him and can vouch for his good character or if he can submit to the satisfaction of the Board other evidence that he is a fit and proper person to hold the license.

(3) In addition to any other fee required for a license, an application for a new license or a transfer of an existing license shall be accompanied by payment of \$250 to the Board.

(g) In Caroline County the application shall also contain a statement (1) that the applicant is not less than twenty–one years of age; (2) that the applicant intends to carry on the business authorized by the license for himself or for a firm, corporation or association and not as an agent of any other individual, or anyone else, and that if licensed he will not carry on such business as the agent of any other individual, or anyone else; (3) that the applicant intends to superintend in person the

management of the business licensed, and if so licensed he will superintend in person the management of the business. If the license is issued to a corporation or association the application must specify the name of the individual who will superintend or manage the said business; (4) that the applicant will not sell any of the beverages herein designated to any person under the age of twenty-one (21) years; (5) that any evidence discovered during any lawful inspection of licensed premises shall be admissible in any prosecution for the violation of the provisions of this or any other act, or upon any hearing for a revocation, suspension or restriction of the license of the person, firm, corporation or association who has obtained a license to sell beverages in such building or premises; (6) the application must be verified by an affidavit of the applicant made before a notary public or other person duly authorized by law to administer oaths. If any false statement is made in any part of said application the said applicant or applicants shall be deemed guilty of perjury, and upon conviction thereof his license shall be revoked and the applicant subjected to the penalties provided by law for that crime.

(h) (1) This subsection applies only in Carroll County.

(2) The Board of License Commissioners may charge a fee not to exceed \$500 for the processing of an application for a new alcoholic beverages license.

(i) Reserved.

(j) (1) In Charles County, the application shall contain:

(i) A statement that the applicant is at least 21 years old;

(ii) A certification from the Treasurer of the county showing the value of the merchandise, fixtures, and stock-in-trade, as certified to the county by the State Department of Assessments and Taxation, for the business for which the application is made for the calendar year next preceding the year the license is to be issued; and

(iii) A certification from the Treasurer of the county showing:

1. That there are no unpaid taxes due from the applicant to the county, incorporated city, or town where the licensed premises is to be located; and

2. That there are no unpaid taxes due from the applicant to the county or State of Maryland on the merchandise, fixtures, and stock-in-trade where the licensed premises is to be located.

(2) (i) In addition to the license fee, the Board shall charge a \$200 application fee for transfers and new licenses, which fee may not be returned whether the application is granted or denied.

(ii) The application fee includes the processing expense of the application which shall be used by the Board for this purpose.

(iii) The application fee is in addition to other fees that the Board may require to be paid at the time of making application.

(3) The provisions of this subsection do not apply to renewals of licenses.

(k) Repealed.

(l) Reserved.

(m) Reserved.

(n) In Harford County, an applicant for an alcoholic beverage license shall be a bona fide resident for at least 1 year before filing the application and shall remain a resident as long as the license is in effect, but does not have to be a registered voter.

(o) In Howard County:

(1) The certificate shall be signed by at least three citizens who shall be owners of real estate and registered voters of the district in which the business is to be conducted, setting forth a statement that the qualifying applicant, or applicants, as the case may be, is personally known to them and has been a resident of the county for two years next preceding the presentation to them of the application; provided, however, that notwithstanding the provisions as hereinbefore set forth and also as contained in § 10–103 of this article, concerning the two–year residence requirement for applicants hereunder, the said Board of License Commissioners of Howard County shall have power to waive the said two years’ residence requirement in any case in which the applicant, or applicants, is the bona fide purchaser of a going business for which a license is in existence or has owned the premises for which a license is sought for a period of at least two years next preceding the filing of the application. Such applicant shall be a resident of the county and the Board shall be satisfied that he is of good character.

(2) (i) The application shall state that the applicant is 18 years of age or older; and

(ii) The application shall be accompanied by a checklist and police consent form.

(p) Reserved.

(q) In Montgomery County the application for an alcoholic beverage license shall be accompanied by clear and recent photographs of the applicant or applicants and the person who will be actively in charge of the business to be conducted under the license. In addition, the applicant or applicants and the person who will be actively in charge of the business to be conducted under the license shall have their fingerprints taken. The provisions of this subsection shall not apply to applications for special and temporary licenses issued pursuant to § 7–101 of this article.

(r) In Prince George's County, the application for a new license of any class shall be accompanied by payment of a fee of \$300, which sum shall be in addition to any other fee required for a license in Prince George's County, and which application fee provided for herein shall not be returned whether the license is granted or denied; such application fee provided for herein shall be used by the Board to cover the expenses of the Board in connection with its functions. The provisions of this subsection shall not apply to any application for a license by way of renewal or by way of transfer for the same premises.

(s) In Queen Anne's County (1) the application shall also contain a statement that the applicant is not less than twenty-one years of age; and (2) each application for a license must be verified by the affidavit of the applicant.

(t) Reserved.

(u) In Somerset County the Board of License Commissioners may require applications for licensing to contain such other information in addition to that required in § 10-103 of this article, as the Board may from time to time deem necessary.

(v) Reserved.

(w) In Washington County the certificate shall be signed by at least three citizens who shall be owners of real estate and registered voters in Washington County, setting forth a statement that the qualifying applicant, or applicants, as the case may be, is personally known to them and has been a resident of the county for two years next preceding the presentation to them of the application.

(x) (1) The provisions of this subsection apply only to Wicomico County.

(2) Where three officers of a club as individuals apply for a Class C club license, a statement indicating a pecuniary interest in the business to be conducted under the proposed license is not required.

(3) All license applications shall contain a statement that the applicant is at least 21 years old. Where there is more than one applicant, at least one of them shall be at least that age.

(4) The Board of License Commissioners may give tentative approval of an application on the basis of plans and specifications accompanying the application when an application is made to sell alcoholic beverages in an incompleated building, or portion of it, or a building or portion of it which is to be remodeled or renovated. Final approval may be given only upon the completion of construction or remodeling according to the plans.

(5) The application for a new license of any class shall be accompanied by payment of a fee of \$75 payable to the local collecting agent. This sum is in addition to any other fee required for a license in Wicomico County, and the application fee may not be returned whether the license is granted or denied. The application fee shall be

used by the Board to cover the expenses of the Board in connection with its functions. The provisions of this subsection do not apply to an application for a license by way of renewal or transfer for the same premises.

(y) In Worcester County when application for a liquor license is made to sell alcoholic beverages in a building, or portion thereof, which is not completed, or in a building, or portion thereof, which is to be renovated or remodeled for such purpose, the Board of License Commissioners may give tentative approval of the application on the basis of plans and specifications accompanying the application. Upon completion of the construction or renovation or remodeling of the building, or any portion thereof, for which application has been made in accordance with the aforesaid plans and specifications, the Board of License Commissioners may give final approval of the application.

§10-105.

All expenses in connection with the publication of the notice of application and the giving of notice to the applicant and the protestants, shall be borne by the applicant, and the applicant shall deposit, in advance, with the local collecting agent a sufficient sum to cover such publication and the giving of such notice.

§10-201.

Before the Comptroller shall approve any license or permit he shall cause an investigation to be made regarding the applicant, the business to be operated and the facts as set forth in the application. After the investigation, if the Comptroller is of the opinion that the applicant is not a fit person to receive the license or permit applied for, or has made a material false statement in his application or has practiced fraud in connection with said application or that there are other reasons, in the discretion of the Comptroller, why the license or permit should not be issued, then the application shall be denied, and no such license or permit shall be issued. If no such findings are made by the Comptroller, then the application shall be approved and the license or permit issued.

§10-202.

(a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, before the Board of License Commissioners for Baltimore City or any county approves any application for a license, the Board shall cause a notice of the application to be published two times in two successive weeks:

1. For Baltimore City licensee applicants – in three newspapers of general circulation in Baltimore City.

2. For county licensee applicants – in two newspapers of general circulation in the county where two newspapers are published, and if not, then in one newspaper having a general circulation in the county.

(ii) In Frederick County, the Board of License Commissioners may fulfill the notice requirement of subparagraph (i) of this paragraph by posting online a completed application with all submitted documents at least 14 days before the hearing date.

(iii) The notice shall specify the name of the applicant, the kind of license for which application is made, the location of the place of business proposed to be licensed, and the time and place fixed by the board for a hearing on the application.

(iv) The hearing may not be less than seven nor more than 30 days after the last publication.

(v) At the time fixed by the notice for a hearing on the application or on any postponement of the time, any person shall be heard on either side of the question.

(2) (i) Before approving an application and issuing a license, the board shall consider:

1. The public need and desire for the license;
2. The number and location of existing licensees and the potential effect on existing licensees of the license applied for;
3. The potential commonality or uniqueness of the services and products to be offered by the applicant's business;
4. The impact on the general health, safety, and welfare of the community, including issues relating to crime, traffic conditions, parking, or convenience; and
5. Any other necessary factors as determined by the board.

(ii) The application shall be disapproved and the license for which application is made shall be refused if the Board of License Commissioners for the City or any county determines that:

1. The granting of the license is not necessary for the accommodation of the public;
2. The applicant is not a fit person to receive the license for which application is made;
3. The applicant has made a material false statement in his application;
4. The applicant has practiced fraud in connection with the application;

5. The operation of the business, if the license is granted, will unduly disturb the peace of the residents of the neighborhood in which the place of business is to be located; or

6. There are other reasons, in the discretion of the board, why the license should not be issued.

(iii) Except as otherwise provided in this section, if no such findings are made by the board, then the application shall be approved and the license issuing authority shall issue the license for which application is made upon payment of the fee required to the local collecting agent.

(3) The provisions of this paragraph apply to the subdivisions listed and supersede conflicting provisions elsewhere in this subsection:

(i) Baltimore City – The Board of License Commissioners shall issue a certificate of approval for presentation to the Director of Finance, who may not issue a license unless and until there is presented to the Director also a certificate, issued by the Bureau of Assessments, that shows that there are no unpaid taxes due the City or State on the merchandise, fixtures, and stock of the applicant.

(ii) Caroline County – If it approves the application, the Board of License Commissioners, rather than the clerk, shall issue the license after the applicant pays the fee.

(iii) Carroll County – If it approves the application, the Board of License Commissioners, rather than the clerk, shall issue the license after the applicant pays the fee.

(iv) Howard County – If it approves the application, the Board of License Commissioners, rather than the clerk, shall issue the license after the applicant pays the fee to the Director of Finance.

(v) 1. Prince George's County – The certificate of approval may not be presented to nor payment made to the clerk of the court.

2. The application shall be approved and the license for which application is made shall be granted if at least three members of the Board of License Commissioners determine that:

A. The granting of the license is necessary for the accommodation of the public;

B. The applicant is a fit person to receive the license for which application is made;

C. The applicant has not made a material false statement in the application;

D. The applicant has not practiced fraud in connection with the application or the operation of the business;

E. The operation of the business, if the license is granted, will not unduly disturb the peace of the residents of the neighborhood in which the place of business is to be located; and

F. There are no other reasons, in the discretion of the Board, why the license should not be issued.

3. If these findings are made by at least three members of the Board, then the application shall be approved and the Board shall issue its certificate of approval. The Board shall issue the license for which application is made upon presentation of the certificate and payment of the required fee to the County Treasurer, and the Board shall maintain a record of licenses issued.

(4) (i) This paragraph applies only in Baltimore City.

(ii) In this paragraph, "Board" means the Board of Liquor License Commissioners.

(iii) The Board or the Board's designee shall examine each application for the issuance or transfer of a license within 45 days of receipt of the application to determine whether the application is complete.

(iv) An application for the issuance, transfer, or renewal is not complete unless the applicant has:

1. Obtained zoning approval or verification of zoning if the application is for renewal;

2. Submitted all documents required in the application; and

3. Paid all fines and fees that are due.

(v) 1. A license hearing may not be scheduled unless the Board determines that the application is complete.

2. A complete application with all submitted documents shall be posted online at least 14 days before the hearing date.

(vi) The postponement of a hearing shall be posted online not less than 72 hours before the hearing date.

(vii) 1. To incorporate a change in the application document after the Board or the Board's designee has determined the application to be complete, the applicant shall submit the change to the Board not later than 15 days before the scheduled hearing.

2. After the hearing on the application, an applicant may change the application only at a new hearing.

(viii) The Board shall:

1. Starting on July 1, 2015, digitize and post online all records for public review; and

2. Adopt regulations to carry out this subparagraph.

(ix) The Board shall impose a fine that it determines for failure to comply with the requirements under this paragraph.

(a-1) Notwithstanding the provisions of subsection (a) of this section, in Charles County, before the Board of License Commissioners approves any license, the Board shall cause notice of the application to be published 2 times in 2 successive weeks, in 1 newspaper of general circulation in Charles County.

(b) (1) (i) The provisions of this paragraph apply in the following subdivisions:

1. Allegany County;

2. Anne Arundel County;

3. Baltimore City;

4. Baltimore County;

5. Calvert County;

6. Dorchester County;

7. Prince George's County;

8. Washington County; and

9. Wicomico County.

(ii) If the application is in the subdivisions enumerated in this paragraph, the board shall cause a suitable sign or notice to be posted and to remain posted for a period of at least 10 days in a conspicuous place upon the premises described in the application. The posting shall be done at least 10 days before action upon the application, and the notice also shall specify the class of license applied for and the time and place fixed by the board for hearing upon the application.

(2) In Harford County, upon application for a new license, transfer of an existing license or upgrading an existing license, the Liquor Control Board of Harford County shall post a notice of the hearing before the Board, in a conspicuous place

noticeable to the public on the exterior of the premises described in the application. The notice shall be on a sign not less than 12 by 18 inches and it shall set out the class of license, name of the applicant, time, date, and place of the hearing. The notice shall be posted and remain posted 20 days before the hearing.

(3) (i) In addition to the requirements set forth in subsection (a–1) of this section in Charles County, upon application for a new license, transfer of an existing license, or upgrade of an existing license, the applicant shall pay to the Board of License Commissioners a onetime posting fee of \$35.

(ii) The Board shall supply the applicant with the notice on a sign that:

1. Is not less than 24 by 36 inches in size; and
2. Includes the following information:
 - A. Class of license for which application is made;
 - B. Name and trade name of the applicant;
 - C. Time, date, and place of the hearing; and
 - D. Contact information for the applicant.

(iii) For 20 consecutive days before the hearing, the applicant shall post the notice in a conspicuous place on the premises described in the application.

(iv) If the premises described in the application is under construction or renovation or is not easily accessible to the public, the applicant shall post an additional notice at a location on the perimeter of the premises that is easily accessible to the public, such as:

1. The entrance to the premises;
2. A driveway to the premises; or
3. The curb of the premises.

(v) Failure to comply with the posting requirements of this paragraph (3) shall not divest the Board with jurisdiction to conduct the hearing and to take action provided the applicant demonstrates by a preponderance of the evidence that the applicant has substantially complied with the notice requirement.

(c) In Allegany County (1) (i) The Board of License Commissioners shall accept and process applications and fees for alcoholic beverages licenses and shall cause notice of each application to be published once in each week for two consecutive weeks in at least one newspaper published in the town or city in which, or nearest to which,

the applicant's proposed place of business is to be located. (ii) The notice shall specify the residence of the applicant, the location of the place of business and the owner of the premises for which said application is made. (iii) Where the publication might be made in one of several newspapers the applicant may designate the one in which the publication shall be made. (iv) The first publication shall be not less than fifteen days before the time fixed for the consideration of such application.

(2) At the time fixed by the notice for hearing upon the application or upon any postponement of such time, any person shall be heard on either side of the question.

(3) In all hearings upon applications and remonstrances under the provisions of this article, the general reputation of the applicant or licensee and of the place of business and of the people who congregate therein or thereat shall be admissible in evidence.

(d) The Board of License Commissioners for Anne Arundel County shall accept and process applications for alcoholic beverage licenses prior to the erection of a building or premises on the property for which the application is made, when those applications are accompanied by detailed plans of the building or premises to be erected, the parking area to be provided, and the general traffic flow in the area. The applications shall be processed in the same manner as license applications for property on which the building or premises is already constructed, except that approval by the Board of License Commissioners is subject to the completion of the building or premises in accordance with the plans or specifications, and approval by the building inspector, the health department and the inspector for the Board of License Commissioners. In addition to the notice of hearing required in subsection (a) of this section, the applicant shall post conspicuously and keep posted conspicuously a suitable sign or notice, similar to those used for zoning purposes, upon the premises described in the application, for a period of at least ten days immediately before the date of the hearing application, and the notice also shall specify the class of license applied for and the time and place fixed by the Board for the hearing upon the application. If the license for which application was approved is not in use one year from the date of approval, the approval has no effect unless written application is made to the Board of License Commissioners for an extension of time. It is solely up to the Board of License Commissioners to approve or deny a time of extension. The Board shall give written notice to the applicant at the time of application that if the license is not activated within one year from the approval date, the approval has no effect.

(e) (1) In Baltimore City if it appears that more than 50 percent in numbers of the owners of real or leasehold property situated within 200 feet of the place of business for which application is made are opposed to the granting of the license, or if more than 50 percent of those owners and tenants in combination of real or leasehold property located within 200 feet of the place of business for which an application for a license is made are opposed to the granting of the license, then the application may not be approved, and the license applied for shall be refused. This subsection does not apply to any application for license by way of renewal or by way of transfer for the same premises. This subsection does apply to an application for a license transfer when the

license to be transferred is of a broader scope or more permissive class than the license presently issued for the same premises. For the purpose of this subsection “owners of real or leasehold property” includes holders of leasehold improvements upon ground rents, the City of Baltimore and the State of Maryland but excludes the owner of the subject premises. For the purpose of this subsection, a tenant is a person who rents a single-family dwelling and is residing there for at least one year immediately preceding the hearing of the Board. Should any owner of the dwelling participate as a protestant or proponent of the application, then the owner(s) and the tenant of the dwelling shall each have one-half vote. In case of property rented jointly, if one tenant appears in person at the hearing as a protestant, the other tenant’s protest may be recorded by an affidavit. The City of Baltimore and the State of Maryland each shall be included as an owner of real or leasehold property when it owns title to a building, and it may protest through an authorized representative of the Mayor and City Council. If the City of Baltimore or the State of Maryland owns more than one building within 200 feet of the place of business for which application is made, then only the building of each which is closest to the place of business for which application is made may be the basis for making protest under this subsection.

(2) (i) On receipt of an application for a new license, a transfer of a license, a change in the class of the license, a request for live entertainment on the licensed premises, or an extension of the licensed premises, the Board of License Commissioners for Baltimore City shall advertise and post notice of the application or request in accordance with this paragraph.

(ii) The notice shall be posted on the premises described in the application.

(iii) The Board shall hold a public hearing on each request for a new license, a change in the class of license, a request of live entertainment, or an expansion of the licensed premises.

(iv) The Board shall hold a public hearing on the transfer of ownership of a license when the transfer includes a transfer of location, or the premises have been closed for more than 90 days, except where the closing is caused by fire, casualty, or act of God or when the transfer is due to an action of a creditor.

(v) The Board shall use the standards listed in subsection (a)(2) of this section in deciding whether to approve a request made under this paragraph.

(3) The Board of License Commissioners for Baltimore City shall hold a public hearing on the transfer of a license for an establishment in operation if the hearing is requested by at least 10 residents in the immediate area of the establishment.

(f) (1) In Caroline County, before the license is issued, the Board of License Commissioners shall satisfy themselves of the moral character and financial responsibility of the applicant, the appropriateness of the location where such licensed business is to be conducted, taking into consideration the number of licenses already

issued, and generally as to the applicant's fitness for the trust to be reposed.

(2) If a license is issued to a person for the use of a business or club and thereafter the licensee wishes to substitute 1 or more of the officers of the business or club, the licensee may request the substitution by filing a petition with the Board of License Commissioners in lieu of filing a formal application for transfer. Approval of the petition is contingent upon a proper showing that the substitute officer is fit to engage in the business authorized by this article.

(f-1) In Carroll County, if the application is limited to a request for a special or a temporary license, the Board of License Commissioners is exempt from the requirement of a hearing prior to the issuance of a license.

(g) In Charles County, in all hearings upon applications and remonstrances under the provisions of this article, the general reputation of the applicant or licensee and of the place of business and of the people who congregate therein or thereat shall be admissible in evidence.

(h) In Harford County, the Liquor Board shall publish its decision on any application for a new license, upgrading of an existing license, or any change of location of any existing license, in 2 newspapers of general circulation published in the county. The publication shall specify the name of the licensee, the type of license and the location of the license. The decision of the Harford County Liquor Board becomes effective 5 days following the date of publication of the decision. This 5-day period may be waived if there are no written or oral objections to the Board's decision by the conclusion of the public hearing on the licensing action.

(i) (1) In Prince George's County, if the applicant proposes to do business in an incorporated town, written notice of the application shall be given to the governing body of the municipality. The municipality has standing to appear at any hearing before the Board of License Commissioners. If it appears that more than 50 percent in numbers of the owners of real or a leasehold property situated within 1,000 feet of the place of business for which application is made are opposed to the granting of the license, then the application may not be approved, and the license applied for shall be refused. The provisions of the preceding sentence do not apply to any application for license by way of renewal or by way of transfer for the same premises.

(2) An application must be submitted not less than 60 days prior to the date set for a hearing for a new license or a transfer hearing.

(3) (i) In Prince George's County, the Board of License Commissioners may adopt a calendar for establishing the following dates for the issuance of licenses:

1. A hearing date;
2. An application filing date; and
3. An application filing deadline date.

(ii) 1. The Board of License Commissioners shall determine the number of licenses of each class that may be applied for at a hearing.

2. The number of licenses that the Board makes available for issuance at a hearing may be less than the total number of licenses in each class that remain unissued by the Board.

(iii) 1. The Board of License Commissioners shall post a hearing notice in not less than 2 newspapers of general circulation in Prince George's County.

2. The hearing notice shall be posted not less than 30 days before the filing deadline date for the hearing.

3. The notice shall contain:

A. The number of licenses of each class that are available for issuance;

B. A description of each of these classes of licenses;

C. The filing deadline for the hearing; and

D. The scheduled hearing date.

(iv) If after a hearing, there are more applicants who are qualified for the issuance of a license than there are licenses of that class authorized to be issued at that hearing, then the Board of License Commissioners shall determine the applicants who are best qualified to be licensees.

(v) The Board may not grant any additional licenses of any class that were not determined and posted as available for the hearing under this section.

(i-1) (1) This subsection applies only in Prince George's County.

(2) Subject to paragraph (3) of this subsection, the Board of License Commissioners may not issue a license to an applicant unless the Board is provided verification from the Comptroller and Prince George's County that the applicant has:

(i) Paid all undisputed taxes payable to the Comptroller and Prince George's County; or

(ii) Provided for payment of the taxes described in item (i) of this paragraph in a manner satisfactory to the governmental unit responsible for collection.

(3) If an application for the issuance of a license is made on behalf of a corporation, club, or other entity, the verification requirements specified in paragraph (2) of this subsection apply to undisputed taxes payable by each owner or principal of the entity.

(4) Subject to paragraph (5) of this subsection, if a transfer and issuance of a license is sought, the Board of License Commissioners may approve the transfer, but condition the actual issuance of the license to the transferee on verification:

(i) Of payment of all undisputed taxes payable by the transferor to the Comptroller or Prince George's County; or

(ii) That payment of the taxes described in item (i) of this paragraph has been provided for in a manner satisfactory to the governmental unit responsible for collection.

(5) If the license of the transferor was issued on behalf of a corporation, club, or other entity, the verification requirements specified in paragraph (4) of this subsection apply to undisputed taxes payable by each owner or principal of the entity.

(j) In Queen Anne's County a Class A license for the sale of beer, wine and liquor may not be issued to any person, firm or corporation which previously has been convicted of a violation of any of the provisions of this article.

(k) In Wicomico County, before a license is issued, the Board of License Commissioners shall make a physical inspection of the proposed licensed premises, shall satisfy themselves of the moral character and financial responsibility of the applicant, the appropriateness of the location where such licensed business is to be conducted, taking into consideration the number of licenses already issued, and generally as to the applicant's fitness to engage in the business authorized by this article.

(l) In Worcester County, (1) the notice of every application for a license shall be published once in each week for two consecutive weeks in at least one newspaper published in the town in which, or nearest to which the applicant's proposed place of business is to be located; (2) when the Board of License Commissioners has approved the application for a license, it shall issue the license upon payment of the fee required.

(m) (1) In Montgomery County, before a license is issued or transferred, the Board of License Commissioners shall cause a suitable sign or notice to be posted and to remain posted for a period of thirty days in a conspicuous place on the premises described in the application, the posting to be done at least thirty days before public hearing on the application; and the notice shall also specify the class of license applied for and the time and place fixed for a hearing on the application.

(2) A decision on an application for a license shall be made on the basis of evidence of record.

(3) When the Board of License Commissioners acts upon an application for a license, the Board shall adopt a resolution which shall contain a detailed statement of the grounds and findings forming the basis for the decision and the vote of each member of the Board on the decision. A copy of the resolution shall be forwarded to the applicant and all persons who so request in the manner prescribed by the Board. In addition, in

the case of denial, the Board shall inform the applicant in writing of the procedures for appeal.

(4) The Board shall adopt rules of procedure, subject to the approval of the County Council.

(n) (1) In Howard County, upon application for a new license, a transfer of a license, a change in the class of the license, or an extension of the licensed premises, the Howard County Board of License Commissioners shall post a notice of the hearing on the premises described in the application.

(2) The posting shall exist for no less than 15 days prior to the hearing.

(3) The posting shall be made by the alcoholic beverages inspector with the cooperation of the applicant.

(o) (1) In St. Mary's County, the County Treasurer:

(i) Shall collect the alcoholic beverages license fees; and

(ii) Is authorized to issue alcoholic beverages licenses.

(2) An application for a license shall be disapproved and the license for which application is made shall be refused if the Alcohol Beverage Board of St. Mary's County determines that the applicant has been convicted of a felony.

(p) In Somerset County:

(1) Notice of each application for a license shall be published once a week for 2 consecutive weeks in at least one newspaper published in the municipal corporation or unincorporated area in which, or nearest to which, the applicant's proposed place of business is to be located;

(2) The applicant for the license shall pay the Board of License Commissioners a fee of \$350 to cover the costs of the advertising required by item (1) of this subsection and the costs of processing the application; and

(3) After the Board of License Commissioners has approved the application for a license, the County Supervisor of Tax Collection shall issue the license on payment of the fee required for the license and the fee required by item (2) of this subsection.

§10-203.

In Harford County no license shall be issued until the Board shall satisfy itself of the moral character and financial responsibility of the applicant, the appropriateness of the location where such licensed business is to be conducted, taking into consideration the number of such licenses already issued, any objections from owners of property

living in the immediate neighborhood, and generally as to the applicant's fitness for the trust to be reposed. Each license shall designate the place of business of the licensee. The said Board shall determine what sales of foods, drinks or other commodities and items, in addition to the sale of foods cooked or prepared on the premises where the license is exercised, shall be permitted to be charged against the sale of beer and wine by the licensee as hereinafter prescribed, and a list of such items shall be from time to time printed by said Board and a copy thereof given to each licensee at the time the license is issued. In case a change is made in said list the Board shall immediately mail a copy of the revised list to each licensee. No license shall be granted to anyone who has been convicted in a federal or State court of a felony, or of the violation of the laws governing the manufacture or sale of liquor, or maintaining or operating a bawdyhouse, or a place where gambling has been permitted, or by the agent or representative of any such person.

§10-204.

(a) (1) Except as otherwise provided in this section, the local collecting agent shall remit all license fees collected under this article to the board of county commissioners or county fiscal officer for the county, or to the Mayor and City Council of Baltimore, as the case may be.

(2) The board of county commissioners or Mayor and City Council of Baltimore shall use the portion of the receipts as may be necessary to pay refunds as provided in this section, and devote the balance to the general purposes of the county or city, as the case may be.

(3) The Comptroller's office may retain from the license and permit fees collected by the office for the use of the State of Maryland sums necessary to pay refunds on licenses issued by the office and the expenses incurred by the office in the discharge of the duties imposed by this article.

(b) (1) This subsection applies only in Allegany County.

(2) The Director of Finance is the local collecting agent. The Director of Finance shall:

(i) Credit 5 percent of the license fees received for licenses that are issued to a place of business located in a municipal corporation to the general fund of the county to cover administrative costs; and

(ii) Pay 50 percent of the remaining license fees received for licenses that are issued to a place of business located in a municipal corporation in the county to the municipal corporation.

(3) (i) The chairman of the Board of License Commissioners shall submit to the Director of Finance the total amount of the Board's budget, including:

1. Salaries for the Board members;

necessary; and

2. Salaries for such other employees as the Board deems

3. All other necessary expenses.

(ii) From the receipts, the County Commissioners shall pay:

1. The salaries of the Board of License Commissioners and its employees once every 2 weeks; and

2. The expenses of the Board of License Commissioners upon draft properly signed by the chairman of the Board.

(iii) The salaries and expenses of the employees of the Board shall be subject to the approval of the County Commissioners.

(c) (1) Except for licenses granted to places of business located in the City of Annapolis, the Anne Arundel County Board of License Commissioners shall:

- (i) Collect all alcoholic beverages license fees; and

- (ii) Issue all alcoholic beverages licenses authorized under this article for Anne Arundel County.

(2) (i) The Anne Arundel County Board of License Commissioners shall remit to the county all fees collected by the Board.

- (ii) The county shall pay from the receipts the salaries and expenses of the Board and of its employees, as approved by the State Comptroller, and shall devote the balance of the receipts to the general purposes of the county.

(3) The City Clerk of the City of Annapolis shall:

- (i) Collect all alcoholic beverages license fees for licenses granted to places of business located in the City of Annapolis; and

- (ii) Issue all alcoholic beverages licenses authorized under this article for the City of Annapolis.

(4) (i) The City Clerk of the City of Annapolis shall remit to the City of Annapolis all fees collected by the City Clerk.

- (ii) The City of Annapolis shall devote the receipts to the general purposes of the City.

(d) (1) In this subsection, "Board" means the Board of Liquor License Commissioners of Baltimore City.

(2) This subsection applies only in Baltimore City.

(3) The revenue from license fees, permit fees, fines, and advertising fees shall be payable to the Director of Finance.

(4) The Board shall:

(i) Submit a budget request to Baltimore City annually in the form that the Director of Finance requires; and

(ii) Provide additional budget justification material that the Director of Finance requests.

(5) The Board shall ensure that each fee or fine that the Board imposes and collects is prominently listed on the Web site of the Board.

(6) The Mayor and City Council of Baltimore shall:

(i) Pay from the general fund of Baltimore City that includes revenue from the Board, the salaries and expenses of the Board and its employees; and

(ii) Devote the balance of the revenue from the Board to the general purposes of the City.

(7) (i) The Board annually shall establish performance measures using the Citistat program of the City of Baltimore for such activities as:

1. Financial management;
2. Issuance of licenses; and
3. Enforcement of alcoholic beverages laws.

(ii) The Board shall make the performance measures available to the public on the Open Baltimore Web site.

(8) On request, the Board shall submit to the Office of Legislative Audits performance accountability reports to ensure that the Board is on track to meet its annual performance measures.

(e) Baltimore County shall pay from the license fees all salaries and expenses of the Board of License Commissioners as determined by the county, and shall devote the balance of the license fees to the general purposes of the county. The phrase “the general purposes of the county” in Baltimore County includes the general purposes of the highways and the general purposes of the metropolitan district department of the county.

(f) Calvert County Board of County Commissioners shall pay the salaries and expenses of the Board of License Commissioners for Calvert County. Where the licensed place of business is located in an incorporated town 50 percent of the net license fee

shall be payable to the incorporated town and the remaining 50 percent and all the net license fees for places of business located outside an incorporated town shall be used by the County Commissioners for the purposes of the county.

(g) In Caroline County, the provisions of subsection (a) of this section apply.

(h) In Carroll County, the County Commissioners shall forthwith pay 25 percent of the sum to the incorporated town in which the place of business is located.

(i) Repealed.

(j) (1) In Charles County, the Board of License Commissioners shall remit promptly to the Board of County Commissioners:

(i) All license fees collected under this article; and

(ii) Any refunds paid under this article.

(2) Any amount paid to the Board of County Commissioners under paragraph (1) of this subsection shall be applied to the general fund of the county.

(3) Any person violating any of the provisions of paragraph (1) of this subsection shall be punished by a fine not exceeding \$500.

(k) In Dorchester County, the provisions of subsection (a) of this section apply.

(l) (1) This subsection applies only in Frederick County.

(2) The County Treasurer shall:

(i) Receive all of the license fees that the Board of License Commissioners collects; and

(ii) From those fees, pay all of the salaries and expenses of the Board.

(m) The Board of License Commissioners of Garrett County shall pay 50 percent of the license fee or \$500, whichever is less, to the mayor and council of the incorporated town in which the licensed premises are located.

(n) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Board" means the Harford County Liquor Control Board.

(iii) "Reserve Account" means the Reserve Account of the Harford County Liquor Control Board.

(2) The provisions of this subsection apply only in Harford County.

(3) Except as provided in paragraph (4) of this subsection, the net proceeds of all funds received by the Board from the sale of licenses under the provisions of this article, outside of the corporate limits of the municipalities of Aberdeen, Bel Air and Havre de Grace, shall be paid to the Treasurer and credited to the general funds of the county.

(4) (i) There is a Reserve Account of the Board.

(ii) The purpose of the Reserve Account is to ensure that issuance and renewal of licenses, licensing enforcement, and other services that the Board provides will continue to be met in the face of unanticipated financial events or circumstances.

(iii) A designee of the Board shall administer the Reserve Account.

(iv) The Reserve Account is a special, nonlapsing account.

(v) The Board shall hold the Reserve Account separately and account for the Reserve Account.

(vi) The Reserve Account consists of:

1. Money distributed to the Board from license fees;

2. Fines imposed for a violation of this article in Harford County under § 16–502(a)(3) of this article;

3. Except for bonds forfeited under § 14–101(c) of this article, recognizances forfeited for a violation of this article in Harford County under § 16–502(a)(3) of this article;

4. Interest or other income earned from the investment of any portion of the Reserve Account; and

5. Any other money from any other source accepted for the benefit of the Reserve Account.

(vii) Each year, the amount payable into the Reserve Account may not be more than 20% of the aggregate net proceeds received by the Board.

(viii) Expenditures from the Reserve Account may occur if the Board determines that appropriations for the current year exceed expected revenues.

(ix) The Reserve Account may not exceed \$100,000 at any time.

(5) The net proceeds of the funds derived from the sale of licenses within the corporate limits of the municipalities of Aberdeen, Bel Air and Havre de Grace, after the deduction of a proportionate part of the expenses incident to the proper administration and enforcement of this article, shall be paid by the Board to the

treasurers of the respective towns, to be applied to the payment of the interest and the redemption of the principal of any bonded indebtedness.

(6) All expenses incident to the proper administration and enforcement of this article, including the salaries of the members of the Board, and the proper proportion of the salaries of any employees of the Board, whose duties include the handling of licenses, including the salaries of officers, inspectors, etc., shall be deducted proportionately from the shares of the license fees payable as set forth in this subsection, to the general funds of the county and the governing bodies of the three municipalities.

(7) (i) Prior to the beginning of each fiscal year, the Board shall submit an annual budget to the County Council and County Executive for review.

(ii) Except as provided under § 15-205(i)(3) of this article, the budget is not subject to approval by the County Council or County Executive.

(iii) The expenditure of license fees collected by the Board for the administration and enforcement of county liquor laws is a matter entirely within the sound discretion of the Board and the provisions of this subsection.

(o) (1) In Howard County:

(i) The Board of License Commissioners shall issue the license; and

(ii) The Director of Finance shall collect the license fees.

(2) The county shall:

(i) Pay from the receipts the salaries and expenses of the Board of License Commissioners; and

(ii) Devote the balance of the receipts to the general purposes of Howard County.

(p) In Kent County, the provisions of subsection (a) of this section apply.

(q) In Montgomery County, the provisions of subsection (a) of this section apply.

(r) In Prince George's County, the Prince George's County Director of Finance shall collect fees for the County Executive and County Council, which shall use a portion of the receipts to pay the salaries and expenses of the Board of License Commissioners.

(s) Repealed.

(t) In St. Mary's County the County Treasurer shall collect the alcoholic beverages license fees and shall pay to the Commissioners of Leonardtown, for general corporate purposes, the funds received from licenses issued to premises within the

limits of town.

(u) In Somerset County, the provisions of subsection (a) of this section apply.

(v) In Talbot County the salaries of the Board of License Commissioners and the necessary office, clerical, and investigational expenses of the Board shall be paid by the County Council out of receipts from licenses for the sale of alcoholic beverages. However, the Board may expend in its discretion not more than \$3,500 in any year for salaries and expenses.

(w) In Washington County the Board of License Commissioners shall deduct funds necessary to pay its salaries and its employees' salaries, and such other expenses as the Board may deem necessary. The Board shall pay over the net proceeds of the license fees ratably to the incorporated town in which the place of business is located or to the County Commissioners for the use of the county, if the place of business is not located in an incorporated town.

(x) In Wicomico County the County Council shall pay the salaries and expenses of the Board of License Commissioners.

(y) In Worcester County the Board of County Commissioners shall pay the salaries and expenses of the Board of License Commissioners.

§10-205.

(a) No holder of any class of license shall be entitled to a refund of the unearned portion of the fee paid for a license, upon the surrender thereof, except:

(1) In the event of receivership or bankruptcy of the business in the event a transfer is not requested, and in such case the refund shall be made for the benefit of the creditors of such licensee; or

(2) In the event of the death of the license holder, and in such case the refund shall be made for the benefit of the estate of such deceased license holder; or

(3) In the event that the licensee has volunteered for or been called into the armed forces of the United States or the regular State Militia; or

(4) In the event that a license holder of one class surrenders his license and obtains a license of another class carrying a higher fee, in which case the refund shall be deducted from the amount of the fee to be paid for the newly obtained license; or

(5) In the event that a licensee, against whom charges are pending at the time he renews his annual license, is found guilty of such charges and his license is revoked, or upon appeal the board's decision is reversed and renewal of license is refused after he has paid his fee for the renewal thereof, in which case he shall be entitled to a refund of the unearned portion of his annual fee from the date the

revocation becomes final; or

(6) In the event that the licensed premises are taken by the federal government, the State or any city or municipality for public use.

(b) There shall be no refunds on retail licenses issued for premises in Anne Arundel County.

(c) There shall be no refunds on retail licenses issued for premises in Calvert County.

(d) No refund of any part of any license fee shall be allowable in Prince George's County except upon the death of the licensee before the expiration of his or her license, when application for such refund may be made by the executor or administrator of the decedent.

(e) In Harford County a license holder is entitled to a refund of the unearned portion of the license fee if the license is voluntarily surrendered by the holder.

(f) In Harford County, the fee for every license issued for a period of less than one year, including Sunday licenses, is subject to the annual fee if issued during the first three months of the license year, three fourths of the annual fee if issued during the second quarter of the license year, one half of the annual fee if issued during the third quarter of the license year and one fourth of the annual license fee if issued during the fourth quarter of the license year. This section does not apply to temporary or special licenses.

(g) (1) (i) If a holder of a Kent County alcoholic beverages license voluntarily surrenders the license before its expiration date, the Kent County Board of License Commissioners shall grant a refund:

1. Based on the number of whole months remaining before the license expiration date; and

2. Calculated as 1/12 of 95 percent of the license fee paid for each whole month remaining before the license expiration date.

(ii) All refunds shall be made 3 weeks after the license is surrendered to the Board of License Commissioners.

(2) If an alcoholic beverages license is issued for a period of less than the full renewal period, the license fee shall be prorated based on the number of whole months remaining in that renewal period.

§10-206.

(a) Every license issued under the provisions of this article shall be upon forms prescribed by the Comptroller or board of license commissioners, as the case may be,

shall be dated as of the date of issue and shall expire, unless otherwise provided, on April 30 next after its issuance, except temporary licenses and special licenses, which shall expire as otherwise provided.

(b) In Caroline County all licenses shall be dated as of the date of issue and shall expire on April 30 next after its issuance. All licenses issued prior to July 1, 1970, shall expire on July 1, 1970, and there shall be a pro rata refund made to the licensee of any unexpired license fees.

(c) In Calvert County all licenses shall expire on the June 30 next after its issuance. All licenses issued on April 30, 1975, are valid until June 30, 1976.

(d) In Prince George's County, license expiration dates are provided in § 10-302 of this title.

§10-207.

(a) The fee for every license issued for a period of less than one year (except temporary or special licenses) shall be subject to the annual fee if issued during the first three months of the license year, three fourths of the annual fee if issued during the second quarter of the license year, one half of the annual fee if issued during the third quarter of the license year and one fourth of the annual license fee if issued during the fourth quarter of the license year.

(b) In Queen Anne's County all licenses shall be issued for twelve or six months only, and for no other periods of time; all twelve months licenses shall be granted to begin from the first day of May in the year of their issue, and all six months licenses shall be granted to begin from the first day of November in the year of their issue; provided, however, that when such licenses are issued for a period of six months, one half only of the annual fee herein provided for shall be charged. In cases of undue hardship, the Board of License Commissioners may refund a portion of any license it has granted.

(c) In Kent County all licenses shall be issued only for six or twelve month periods, to begin from the first day of May in the year of their issue, and shall be claimed by the applicant within 30 days after renewal or issue. If the license is not claimed by the applicant within 30 days after issue or renewal of the license, the license is null and void. When a six month license is issued, only one half of the annual fee shall be charged. Nothing in this subsection may be construed to prevent a holder of a six month license from applying for a renewal of that license pursuant to the procedure set forth in § 10-301 of this title.

§10-208.

(a) (1) If a license is refused, except as provided in this section, other applications may not be considered from the applicant or for the premises, as the case may be, for a period of six months. If a subsequent application by the same applicant or for the same premises is refused within the two-year period immediately following

the date of the first refusal, then other applications may not be considered from the applicant or for the premises, as the case may be, until the two-year period has elapsed.

(2) This section does not hold against:

(i) An applicant where a license was refused on the grounds it was not necessary for the accommodation of the public or because the premises were not suitable to the sale of alcoholic beverages under the license applied for; or

(ii) The premises set forth in an application when the license applied for was refused because the applicant personally was determined not to be a proper person to be issued the license applied for. In Charles County, the limitations of this section are not applicable to the refusal of a license on the grounds the license was not necessary for the accommodation of the public, because the premises were not suitable for sales of alcoholic beverages under the license applied for, or to the refusal of a license because the applicant was determined not to be a proper licensee.

(b) This subsection applies only in Anne Arundel County. If an application for a license is refused, other applications for a license for the same premises may not be made until a year expires from the date of the refusal. If a license for a certain premises is twice refused, a license may not be granted for the sale of alcoholic beverages upon the premises for a period of two years from the date of the second refusal.

(c) (1) This subsection applies only in Baltimore City.

(2) A class of license for which application was previously made for the retail sale of alcoholic beverages may not be issued to any person who has been refused the issue of any such class of license, nor to or for any premises for which a license has been so refused, within a period of six months from the refusal by the Board of License Commissioners or by the Circuit Court, as the case may be.

(3) The restriction against the issue of a license to or for any premises is not effective if in the judgment of the Board of License Commissioners the refusal was directed against the person or persons applying for the prior license, and not against the premises in question.

(d) In Baltimore County the provisions in subsection (a) of this section do not apply that specify that it does not hold against an applicant where a license is refused on the grounds it is not necessary for the accommodation of the public.

(e) (1) This subsection applies only in Caroline County.

(2) If an application for a license is refused by the Board of License Commissioners on grounds relating to the suitability of the applicant or applicants, then other applications may not be received by the Board from the applicant or applicants, for any type of license at any premises, for six months after the date of the refusal.

(3) If an application for a license is refused on grounds relating to the suitability of the premises applied for, then other applications for any type of license for premises may not be received by the Board for one year from the date of the refusal.

(f) In Charles County, the limitations of this section are not applicable to the refusal of a license on the grounds the license was not necessary for the accommodation of the public because the premises were not suitable for sales of alcoholic beverages under the license applied for, or to the refusal of a license because the applicant was determined not to be a proper licensee.

(g) In Howard County, if a license is refused, other applications may not be considered from the applicant or for the premises for a period of 1 year from the date of the first refusal. If a subsequent application by the same applicant or for the same premises is again refused within the 2-year period immediately following the date of the first refusal, other applications may not be considered from that applicant or for those premises, as the case may be, until this 2-year period has elapsed.

(h) (1) This subsection applies only in Prince George's County.

(2) If an application for a new license is refused, other applications for a license for the same premises may not be made until a period of six months has expired from the date of the refusal.

(3) This subsection does not apply in the case of applications:

(i) That are rejected because of a legal defect or omission in the application;

(ii) If such refusal was solely directed against the person or persons applying for the prior license, and expressly stated as the reason for refusal, and not against the premises in question;

(iii) That, after a hearing, were denied on the grounds that the Board of License Commissioners determined that another applicant was better qualified to be a licensee; or

(iv) For transfers of licenses.

(i) This section does not apply to Montgomery County.

(j) (1) In Kent County:

(i) If an application for a license is refused, then the Board may not issue an alcoholic beverages license for the same premises until a year expires from the date of refusal; and

(ii) If a subsequent application for the same premises is refused, then the Board may not issue an alcoholic beverages license for the same premises until 2

years expire from the date of the second refusal.

(2) This subsection does not apply to applications:

(i) That are rejected because of a legal defect or an omission;

(ii) That are refused solely and expressly because the prior applicant personally was determined not to be a proper person to whom the license applied for should be issued; or

(iii) For license transfers.

§10–301.

(a) (1) (i) Except in Prince George’s County, the holder of any expiring license, other than special licenses issued under the provisions of this article, shall, not less than 30 nor more than 60 days before the first day of May of each and every year, file a written application, duly verified by oath, for the renewal of the license with the official authorized to approve the same.

(ii) 1. The renewal application shall state that the facts in the original application are unchanged.

2. It shall be accompanied by a statement signed by the owner of the premises consenting to renewal of the license and to search and seizure as in the case of original applications.

3. In the case of retail dealers applying for renewal, the statement of consent by the owner of the premises may not be required if the owner has previously signed such a statement in connection with an original application or previous renewal application giving consent for the term of the owner’s lease with the applicant if the lease or renewal does not expire during the term of the renewal license.

4. Subject to subparagraph 5 of this subparagraph, on the filing of the renewal application and payment of the annual fee, the holder of the expiring license is entitled to a new license for another year without the filing of further statements or the furnishing of any further information unless specifically requested by the official authorized to approve the license.

5. In the City of Annapolis, the Mayor, Counselor, and Aldermen may determine a periodic basis on which payments for the renewal of a license may be made.

(iii) 1. Subject to subparagraph 3 of this subparagraph, a license by way of renewal may not be approved without a hearing before such official if a protest has been filed against the granting of the new license at least 30 days before the expiration of the license for which renewal is sought.

2. In Calvert County and Charles County:

A. A protest shall specify the basis on which the protest is made; and

B. The protest shall be filed under oath.

3. In Charles County, the Board of License Commissioners may approve the renewal of the license without a hearing if the Board makes a finding that the basis of the protest lacks substance.

(iv) This protest shall be:

1. Signed by not less than ten residents, commercial tenants who are not holders of or applicants for any license issued under this article, or real estate owners in the immediate vicinity in which the licensed place of business is located; or

2. Instituted by the board of licensing commissioners on its own initiative.

(v) If the protest has been filed it shall be heard and determined as in the case of original applications, except in Baltimore City it shall be heard and determined not as in the case of original application in regard to zoning but only on a specific complaint as to the operation of the licensee's establishments.

(2) (i) For all statewide licenses issued to a corporation by the State Comptroller and in each county and Baltimore City, notwithstanding any other provision of this article to the contrary, a corporation or club holding an alcoholic beverages license may, during the license year, substitute any or all names of its officers on the license if the deleted officer:

1. Is deceased;

2. Is retired;

3. Has been removed from office; or

4. No longer holds an office in the corporation or club.

(ii) The corporation or club shall file with the license issuing authority an affidavit that gives:

1. The substitution of the officer or officers;

2. An explanation for the substitution; and

3. In the case of a corporation, a statement that the ownership of the corporation has not changed.

(iii) Upon receipt of the affidavit and after making a determination that the applicant qualifies under the provisions of this article, the license issuing authority shall:

1. Amend its records; and
2. Issue a new license in corrected form.

(a-1) In Prince George's County, the procedures for the renewal of applications, protests, and hearings are provided in § 10-302 of this subtitle.

(b) If the licensing official finds that the license holder is not qualified to obtain a renewal of the expiring license said official shall not renew said expiring license but shall issue to him by way of renewal the class or type of license for which they find him qualified. If an expiring license is subject to any order of restriction or suspension the new license shall be issued subject to said order. All applications for renewal received otherwise than as herein stated shall be treated as original applications.

(c) No renewal of any license shall be granted any person who during the license year has been convicted of any offense against the laws of the State or of the United States which in the judgment of the local licensing officials is of such a nature as to render such person unfit or disqualified to obtain said renewal; provided that in such a case a public hearing shall be held by such local licensing officials prior to renewal at which all relevant facts and circumstances of such offense may be inquired into.

(c-1) (1) This section applies only in Prince George's and St. Mary's counties.

(2) In this section, "Board" means:

(i) In Prince George's County, the Prince George's County Board of License Commissioners; or

(ii) In St. Mary's County, the Alcohol Beverage Board of St. Mary's County.

(3) A renewal of a license may not be granted, at the discretion of the Board, if the licensee or any of the stockholders of the corporation having the use of a license has been convicted of a felony. A public hearing shall be held by the Board prior to the renewal of that license. All relevant facts and circumstances of the offense may be inquired into at that hearing.

(d) (1) A license issuing authority may issue such new licenses for the ensuing year as hereinabove provided, at any time between April 15th and May 1st, of each and every year, but all such licenses shall be dated May 1st.

(2) Notwithstanding paragraph (1) of this subsection, in St. Mary's County new licenses may be issued at any time between April 1st and May 1st.

(d-1) The Garrett County Liquor Control Board may issue new licenses for the ensuing year as provided in this section at any time between June 15 and July 1 of each and every year, but all licenses shall be dated July 1. During the first calendar year, the Board shall prorate all class licenses for a period of 14 months. Thereafter, licenses shall be prorated on a 12-month basis.

(e) In Harford County applications for a renewal of license shall be in such form as the Liquor Control Board may prescribe by rules and regulations duly adopted. Renewal applications received after April 1st may be considered by the Board for a period of thirty days before final action on the application is taken.

(f) In Prince George's County and in Montgomery County, any licensee may obtain a renewal license without obtaining a certificate of approval of the owner of the building in which the business is conducted, provided the licensee is the holder of a lease upon the entire building for not less than the term of the renewal license.

(f-1) (1) This subsection applies only in Prince George's County.

(2) Subject to paragraph (4) of this subsection, before a license may be renewed, the Board of License Commissioners shall verify:

(i) 1. Through the Office of the Comptroller, that the current license holder has paid all undisputed taxes payable to the Comptroller; and

2. Through Prince George's County, that the current license holder has paid all undisputed taxes payable to Prince George's County; or

(ii) That the current license holder has provided for payment of the taxes described in item (i) of this paragraph in a manner satisfactory to the governmental unit responsible for the collection.

(3) If the information provided to the Board of License Commissioners states that the current license holder owes undisputed taxes and has not provided for payment in a manner satisfactory to the governmental unit responsible for collection, the Board of License Commissioners may not renew the license.

(4) If the license was issued on behalf of a corporation, club, or other entity, the verification requirements specified in paragraph (2) of this subsection apply to undisputed taxes payable by each owner or principal of the entity.

(g) In Prince George's County notwithstanding any other provision of this article, any corporation or club holding a Class C beer, wine and liquor license may, during any license year, substitute the name of one of its officers for the name of any other officer on the license when the deleted officer has died, retired, been removed from office, or no longer holds an office in said corporation. Said corporation shall file an affidavit with the Board of License Commissioners showing the substitution of an officer or officers with an explanation for said substitution. Upon receipt of said affidavit the Board shall amend its record and issue a new license with the corrected

names thereon.

(h) (1) In Worcester, Wicomico, Dorchester, Somerset, and Howard counties, notwithstanding any other provision of this article, any corporation or club holding any class of alcoholic beverage license may, during any license year, substitute the name of one of its officers for the name of any other officer on the license when the deleted officer has died, retired, been removed from office, or no longer holds an office in the corporation or club if the substitute is a fit person approved by the Board and can meet all the requirements the substitute would have to meet if the substitute were named in the original application. The corporation or club shall file an affidavit with the Board of License Commissioners showing the substitution of the officer or officers with an explanation of the substitution. Upon receipt of the affidavit the Board shall amend its records and issue a new license with the corrected names on it. The corporation or club shall pay a fee of \$5 to the Board of License Commissioners for this service. In Somerset and Wicomico counties, the fee is \$50 and is payable to the local collecting agent. In Worcester County, this section applies only to Class C (clubs) establishments for which the fee is \$5. In Wicomico County, an application for renewal of a restaurant license is subject to requirements specified in § 6–201(x) of this article, as amended from time to time.

(2) In Howard County, failure to file renewal applications for alcoholic beverages licenses by April 1 of each year shall result in nonrenewal of the license or a penalty of \$50 per day for each day the application is late.

(i) (1) In Charles County, the Board of License Commissioners may not renew any license as authorized in subsection (a) of this section unless there is presented to the Board a certification from the Treasurer of the county showing:

(i) The value of the merchandise, fixtures, and stock-in-trade, as certified to the county by the State Department of Assessments and Taxation, for the business for which the application is made for the calendar year next preceding the year the license is to be issued;

(ii) That there are no unpaid taxes due from the applicant to the county, incorporated city, or town where the licensed premises is to be located; and

(iii) That there are no unpaid taxes due from the applicant to the county or the State of Maryland on the merchandise, fixtures and stock-in-trade where the licensed premises is to be located.

(2) (i) A renewal application for an alcoholic beverages license is due on or before March 31 of each year.

(ii) Subject to subparagraph (iii) of this paragraph, a person who files a renewal application after March 31 is subject to a penalty of \$50 for each day that the application is late.

(iii) The maximum amount that the Board of License Commissioners

may charge a person under this paragraph is \$500 per renewal application.

(iv) A renewal application may not be submitted later than the date of the next meeting of the Board of License Commissioners following March 31.

(j) (1) In Baltimore City, unless a licensee presents to the Board of Liquor License Commissioners by June 30 of the respective year, a certificate issued by the Director of Finance, showing that there are no unpaid taxes on the merchandise, fixtures and stock of the applicant due to the City of Baltimore or the State of Maryland, the renewal license shall be immediately suspended without a hearing but thereafter shall be immediately returned without a hearing upon presentation of such a certificate.

(2) (i) Each year, between March 1 and March 31, both inclusive, each licensee shall file an application for license renewal with the Board.

(ii) An applicant for a renewal of a license issued by the Board shall pay a renewal application fee of \$50 to the Director of Finance.

(iii) A license renewal application received by the Board after March 31 may be subject to:

1. Rejection; or
2. A late charge of \$50 for each day the application is filed late, not to exceed \$1,500.

(3) (i) This paragraph applies only to a license that is issued in, transferred into, or transferred to a different location within the following areas of the 46th alcoholic beverages district if the application for the issuance or transfer was received by the Board of License Commissioners after December 31, 1995:

1. Ward 1, precincts 2, 3, 4, and 5;
2. Ward 2, in its entirety;
3. Ward 3, precinct 3; and
4. Ward 26, precinct 10.

(ii) A licensee shall file with each license renewal application a copy of a valid capacity rating issued by the Baltimore City Fire Department for the licensed establishment.

(iii) 1. If the seating capacity rating for the licensed establishment exceeds 150 persons, the Board of Liquor License Commissioners may require the licensee to obtain an accounting, in accordance with generally accepted accounting principles, of the gross sales for the license year immediately preceding the filing of

the license renewal application.

2. The accounting described in sub-subparagraph 1 of this subparagraph shall, at a minimum, specify separate figures for each of the following:

A. Total sales, not including sales of novelty items, income from vending machines, or other sales not directly related to food or beverages;

B. Alcoholic beverages sales; and

C. Food sales.

(4) Notwithstanding any other provision of this article, and except where extenuating circumstances exist, before a licensed premises in Baltimore City that has been closed for at least 3 consecutive months may be reopened:

(i) The Board of Liquor License Commissioners shall hold a public hearing; and

(ii) The licensee shall obtain approval from the Board of Liquor License Commissioners to reopen.

(k) (1) This subsection applies only in Wicomico County.

(2) In this subsection “Board” means the Board of License Commissioners.

(3) An applicant for a renewal of a license issued by the Board shall pay an additional renewal application fee of \$50 to the local collecting agent.

(4) The Board may not renew an alcoholic beverages license until the licensee has presented the Board with a certificate of receipt from the County Finance Office that shows that there are not unpaid taxes on the merchandise, fixtures, and stock of the applicant due to the county or State.

(l) (1) In Montgomery County a licensee shall annually, between February 1 and March 31, file an application for renewal in accordance with subsection (a) of this section. The Board of License Commissioners may receive late applications during April, and may fine the licensee an amount not to exceed \$50 for each day the application is late.

(2) Each renewal application shall satisfy the requirements of § 10–104(q) of this article, as the Board may prescribe.

(m) (1) In Baltimore County, the Board of License Commissioners may not renew an alcoholic beverages license until the applicant has presented to the Board a receipt or certificate from the office of finance showing that there are no unpaid taxes on the merchandise, fixtures, and stock of the applicant due to Baltimore County or the State of Maryland.

(2) A licensee shall annually, between February 1 and March 31, file an application for renewal in accordance with provisions of this section.

(3) The Board of License Commissioners may receive late applications during April, and may fine the licensee an amount not to exceed \$50 for each day the application is late up to a maximum cumulative amount of \$500.

(n) (1) This subsection applies only in Calvert County.

(2) (i) The term of a license is 1 year.

(ii) To renew a license, a licensee shall file an application for license renewal with the Board of License Commissioners at any time beginning on April 1 and ending on May 1.

(iii) A license renewal application received by the Board on or after July 1 is subject to a late fine of \$50 for each day the application is late.

(iv) A late fine may not exceed \$500.

(3) An application for a license renewal shall be accompanied by:

(i) A statement of the hours of operation of the licensed premises;

(ii) A statement of the name of the manager; and

(iii) A copy of the current statement for the licensed business that shows that all applicable taxes are paid.

(4) In addition to the requirements of paragraph (3) of this subsection, an application for a Class B license renewal shall be accompanied by a statement that shows the average monthly sales of food and alcoholic beverages for the licensed premises.

(o) (1) This subsection applies only in Washington County.

(2) The Board of License Commissioners may not renew an alcoholic beverages license until the licensee has paid all county taxes that are due and owing under the license and has certified by affidavit to the Board that no county taxes are due and owing.

(3) A holder of an alcoholic beverages license who files a completed application for renewal of the license:

(i) After April 1, but on or before April 11, is subject to a penalty of \$100; or

(ii) On or after April 12, is subject to a penalty of \$400.

(p) (1) In Queen Anne’s County, notwithstanding any other provision of this article to the contrary, a corporation or club holding a Class C alcoholic beverages license may, during the license year, substitute any or all names of its officers on the license if the deleted officer:

- (i) Is dead;
- (ii) Is retired;
- (iii) Has been removed from office; or
- (iv) No longer holds an office in the corporation or club.

(2) The corporation or club shall file an affidavit with the Board of License Commissioners that gives:

- (i) The substitution of the officer or officers; and
- (ii) An explanation for the substitution.

(3) Upon receipt of the affidavit the Queen Anne’s County Board of License Commissioners shall:

- (i) Amend its records; and
- (ii) Issue a new license in corrected form.

(q) In Carroll County the Board of License Commissioners may impose a late fee of \$50 per day for each day a licensee fails to renew the license after the application is due. The total amount of the fees may not exceed \$500.

(r) (1) This subsection applies only in St. Mary’s County.

(2) Unless an alcoholic beverages license is renewed for a 1–year term as provided in this subsection, the license expires on the first April 30 that comes after its effective date.

(3) Before a license expires, the licensee may renew it for an additional term if the licensee applies for renewal to the Administrator of the Alcohol Beverage Board of St. Mary’s County from February 1 through March 3, both inclusive.

(4) A holder of an expired license may apply to the Board for a new license.

(s) (1) This subsection applies only in Somerset County.

(2) In this subsection, “Board” means the Board of License Commissioners.

(3) An applicant for a renewal of a license issued by the Board shall pay a renewal application fee of \$50 to the local collecting agent.

(4) The Board may not renew an alcoholic beverages license until the licensee has presented the Board with a certificate of receipt from the County Finance Office that shows that there are not unpaid taxes on the merchandise, fixtures, and stock of the applicant due to the county or State.

(5) If an applicant fails to renew an alcoholic beverages license in a timely manner as determined by the Board, the applicant shall pay a late renewal fee of \$100 in addition to the renewal application fee of \$50 required by paragraph (3) of this subsection.

(t) In Worcester County, the Board of License Commissioners may receive late applications during April and fine the licensee an amount not exceeding \$50 for each day the application is late.

(u) In Anne Arundel County, an applicant for a renewal of a license shall pay to the local collecting agent a nonrefundable renewal fee of \$50 in addition to the annual license fee.

§10-302.

(a) (1) In Prince George's County, before a Class A, B, C, or D alcoholic beverages license expires, the holder may renew it for an additional term.

(2) The renewal dates and license expiration dates are as follows:

License Class	Renewal Application Filed By	License Expiration Date
A	March 1	April 30
B	April 1	May 31
C and D	May 1	June 30

(3) If the holder of an expiring license, other than a special license, decides to renew the license with the Board of License Commissioners, the holder shall, on or before the renewal application deadline date provided in this subsection, file a written application, duly verified under oath, together with the license fee for the renewal of that license.

(b) (1) The renewal application shall state that the facts in the original application are unchanged.

(2) The renewal application shall be accompanied by a signed statement.

(i) The statement shall be signed by the owner of the premises containing the business that is subject to the license renewal.

(ii) The owner shall consent:

1. To renewal of the license; and
2. To search and seizure as in the case of the original application.

(3) A signed consent statement provided for in this subsection is not required:

(i) If a signed statement has been previously filed with the original application or a renewal application and the owner's consent is valid for the term of the lease between the owner and the applicant and the lease does not expire prior to expiration of the license renewal term; or

(ii) If the renewal applicant has a lease for the entire building in which the business is conducted and the lease is not less than the term of the renewal license, and the owner's consent statement has been previously filed with the original application or the renewal application.

(c) However, the Prince George's County Board of License Commissioners shall not require an applicant to hold a lease on the premises that contain the licensed business for the full term or any portion of the license renewal period.

(d) (1) If the licensing official finds that the license holder is not qualified to obtain a renewal of the expiring license, the licensing official shall not renew the expiring license but shall issue by way of renewal the class or type of license for which they find that holder qualified.

(2) The new license shall be issued subject to any order of restriction or suspension that the expiring license is subject to.

(e) A renewal of a license may or may not be granted at the discretion of the Board of License Commissioners, if the licensee or any of the stockholders of the corporation having the use of a license have been convicted of a felony. A public hearing shall be held by the Prince George's County Board of License Commissioners prior to the revocation, issuance, or transfer of that license. All relevant facts and circumstances of the offense may be inquired into at that hearing.

(f) (1) Notwithstanding any other provision of this article, any corporation or club holding a Class C beer, wine and liquor license, during any license year, may substitute the name of one of its officers for the name of any other officer on the license when the deleted officer has died, retired, been removed from office, or no longer holds an office in that corporation.

(2) The corporation shall file an affidavit with the Board of License Commissioners showing the substitution of an officer or officers with an explanation for said substitution.

(3) Upon receipt of the affidavit the Board shall amend its record and issue a new license with the corrected names.

(g) (1) A protest against the renewal of a license may be filed with the Prince George's County Board of License Commissioners.

(2) If a protest is filed, the license shall not be renewed without a hearing before the Board of License Commissioners.

(3) All protests shall be filed with the Board no later than March 1 of the year in which the license expires.

(4) The protest shall:

(i) Be signed by not less than 10 residents, commercial tenants who are not holders of or applicants for any license issued under this article, or real estate owners in the immediate vicinity in which the licensed place of business is located;

(ii) Be instituted by the Board of License Commissioners on its own initiative; or

(iii) Be instituted by the municipality in which the licensed place of business is located subsequent to a public hearing being held by that municipality concerning the license renewal protest.

(5) The Board of License Commissioners shall hold a hearing on the protest as in the case of an original application.

(6) If an application for transfer is filed and pending with the Board of License Commissioners which meets the residency requirements provided for in § 9–101 of this article, the license shall be renewed for the 1985–1986 renewal period.

§10–401.

(a) (1) In this section “issuing authority” means, as appropriate, the:

(i) Comptroller with respect to licenses or permits issued by the Comptroller's Office; or

(ii) Board of license commissioners, with respect to licenses approved by them, for Baltimore City or any county.

(2) Any license or permit issued under the provisions of this article may be revoked or suspended by the issuing authority for any cause which in the judgment of the official, court or board, is necessary to promote the peace or safety of the community in which the place of business is situated.

(3) The license or permit must be revoked or suspended, except as provided

in § 10–402 of this subtitle or § 15–112(c)(6) or (p) of this article, for the following causes:

(i) Conviction of the licensee or permittee for violation of any of the provisions of the Tax – General Article that relate to the alcoholic beverage tax or the provisions of this article;

(ii) Willful failure or refusal of any licensee or permittee to comply with the provisions of the Tax – General Article that relate to the alcoholic beverage tax or any provisions of this article, or any rule or regulation that may be adopted in pursuance of this article or the provisions of the Tax – General Article that relate to the alcoholic beverage tax;

(iii) Making of any material false statement in any application for a license or permit;

(iv) Two or more convictions of one or more of the clerks, agents, employees and servants of a licensee or permittee under the provisions of this article or the provisions of the Tax – General Article that relate to the alcoholic beverage tax of any violation on the premises subject to the license or permit, within a period of two years;

(v) Possession upon the premises of any retail dealer other than the holder of a Class E, Class F or Class G license of any alcoholic beverage upon which the tax imposed by § 5–102 of the Tax – General Article has not been paid;

(vi) Violation of the provisions of § 12–104 of this article;

(vii) Willful failure of any licensee or permittee to keep the records required by this article or the provisions of the Tax – General Article that relate to the alcoholic beverage tax or to allow any inspections of such records by a duly authorized person;

(viii) Possession of any alcoholic beverage which any licensee or permittee other than the holder of a Class E, Class F or Class G license is not licensed to sell;

(ix) Suspension or revocation of a permit issued to any licensee or permittee by the Federal Bureau of Alcohol, Tobacco and Firearms or for conviction of violating any federal laws relating to alcoholic beverages; and

(x) Failure to furnish bond as required by this article within fifteen days after notice from the Comptroller.

(4) Revocation and suspension of licenses is also authorized for such other offenses as specified in other parts of this article.

(b) In Allegany County the license shall be revoked or suspended following conviction of the licensee or of any one or more of the clerks, agents, employees and

servants of a licensee for any violation on the part of any such persons of any of the provisions of this article.

(c) (1) This subsection applies only in the following election districts in Anne Arundel County:

- (i) First;
- (ii) Second;
- (iii) Third;
- (iv) Fourth;
- (v) Fifth;
- (vi) Seventh; and
- (vii) Eighth.

(2) In this subsection “lesser” or “more restricted” license means a license under which the sale of alcoholic beverages of a lower alcoholic content, or of a more limited kind, only may be sold, than were sold under the license ordered transferred, or deemed to be a license having fewer privileges, or one containing more or greater restrictions, than were permitted to be exercised under the license ordered transferred.

(3) After a hearing and upon a finding by the Board of License Commissioners that any licensee or that the operation of any licensed premises, operating under a license issued by the Board, has violated or is violating any provision of this article, the penalty for a violation of which provision requires or permits licenses to be revoked or suspended, the Board may order and direct the licensee to exchange that license for a “lesser” or “more restricted” license instead of ordering the revocation or suspension of the license.

(4) The Board may determine if any license is to be suspended or revoked for the violation of any of the provisions of this section or any other provisions of this article, the penalty for a violation of which provision requires or permits licenses to be suspended or revoked.

(d) In Garrett County, in addition to any other provisions of this article, the license of any person may be suspended for a period of time to be determined by the Board not to exceed 1 year, for any of the following grounds: (1) sale of alcoholic beverages to a person under 21 years of age, (2) possession on the licensed premises by any person of any liquor or wines not purchased from the Garrett County liquor dispensaries, if the Garrett County Liquor Control Board maintains county liquor dispensaries, or (3) sale of alcoholic beverages on Sunday. The decision of the Board in these cases is conclusive.

(e) (1) (i) In Harford County the Liquor Control Board and general manager shall make or have frequent inspections made of the premises of all licensees.

(ii) If it is found that any licensee or an agent or employee of the licensee is violating any of the provisions of this article, or the regulations promulgated under it, or is failing to observe in good faith the purposes of it, or is not maintaining the premises in a clean, sanitary manner, the Board, after a public hearing, may impose the penalties provided in this subsection.

(iii) The Board shall report its findings at the next regularly scheduled meeting of the Board or within 14 calendar days of the hearing, whichever is earlier.

(iv) The Board shall report those cases to the State's Attorney and the Sheriff. The Sheriff and the State's Attorney shall prosecute the licensee under the provisions of this article.

(v) The Board may impose the penalty provisions provided in this subsection upon any licensee on whose premises any gambling devices are found, which are illegal under the laws of the State of Maryland, or any illegal gambling of any character found, or any alcoholic beverage found, in violation of the appropriate license, or if the licensee has been convicted in federal or State court of a felony.

(2) Whenever any licensee operates a pool or billiard parlor on premises licensed hereunder, the licensee may not permit minors under 18 years of age to enter into or loiter about that part of the premises devoted to the playing of pool or billiards unless accompanied by a parent. The Board may impose the penalty provisions provided in this subsection upon the licensee for a violation of this paragraph (2).

(3) If the Liquor Control Board after a public hearing determines that a licensee or an agent or employee of the licensee has violated a provision of this subsection, then the Liquor Board may impose the following penalties:

(i) For a first offense within the licensing period, a fine of not less than \$250 or more than \$2,000 or suspension or revocation of the license; or

(ii) For a subsequent offense within the same licensing period as the first offense, a fine of not less than \$250 or more than \$2,000 and suspension or revocation of the license.

(f) In Howard County, in addition to the grounds for the revocation and suspension of alcoholic beverages licenses and permits provided for in this section, the Howard County Board of License Commissioners may revoke or suspend a license if it finds that a licensee or any agent, servant, or employee of a licensee has violated any of the provisions of this article or any rule or regulation of the Board.

(g) (1) This subsection applies only in Prince George's County.

(2) (i) The term “conviction” in this subsection includes:

1. A verdict or plea of guilty; or
2. The forfeiture of a bond or collateral accepted on any pending charge, warrant, or indictment before any court; or
3. The revocation or suspension of an alcoholic beverage license by the Board because of a violation of any provision of this article or regulations promulgated under it.

(ii) For the purpose of this subsection two or more violations against the same licensee, agent, servant or employee or affecting the same premises occurring on the same day shall be considered to be one offense. The provisions of this subsection are applicable only to violations and offenses occurring after June 1, 1957.

(3) Notwithstanding any other provisions of this article, but in addition to them, the Board of License Commissioners may suspend any license issued under the provisions of this article for a minimum period of 30 days for:

(i) Any conviction of the licensee of a violation in or on the licensed premises of any of the provisions of this article concerning an illegal sale of alcoholic beverages on Sunday, or for two or more convictions of different clerks, agents, employees or servants of a licensee under the provisions of this article for a violation in or on the licensed premises of any of the provisions of this article concerning an illegal sale of alcoholic beverages on Sunday.

(ii) The Board of License Commissioners may revoke any license issued under the provisions of this article if within a period of two years any licensee is convicted twice for violating in or on the licensed premises any of the provisions of this article concerning an illegal sale of alcoholic beverages on Sunday, or if within that period there are two convictions of the same clerk, agent, employee or servant of a licensee under the provisions of this article, for any violation in or on the licensed premises concerning illegal sales of alcoholic beverages on Sunday.

(iii) The Board of License Commissioners may revoke or suspend any license issued under the provisions of this article for any conviction of the licensee of any violation in or on the licensed premises of any of the laws of the State of Maryland concerning gambling or gaming, or for any two convictions of one or more of the clerks, agents, employees or servants of a licensee under the provisions of this article of violations in or on the licensed premises concerning gambling or gaming, which offenses occurred within a period of two years.

(4) The Board may revoke or suspend a license, whether new or by transfer, when the license has not been placed in operation after a period of six months from the date of the approval by the Board of the new license or transfer of license.

(5) In addition to the above, the Board may revoke the license of a licensee

for:

(i) A felony conviction of a licensee or any stockholder of a corporation having the use of an alcoholic beverages license;

(ii) Failure to comply with § 6–201(r)(15)(ix) of this article; or

(iii) Closing the licensed premises for more than 30 days without the Board’s permission. The Board may allow a closing of the licensed premises for a reasonable period of time.

(6) If a sole proprietorship, partnership, corporation, club, or association has not complied with the residency requirements as specified in § 9–101 of this article, the Board of License Commissioners may revoke or suspend the license of a licensee.

(7) The Board may revoke, suspend, or refuse to renew the license of a licensee, or refuse to issue a license to an applicant, if the licensee or applicant willfully failed or refused to pay hotel/motel taxes due and owed to the county within 60 days after the licensee or applicant received the first notice of delinquency.

(h) In Wicomico County, the Board may revoke or suspend a license, whether new or by transfer:

(1) When the license has not been placed in operation after a period of 6 months from the date of the approval of the Board of the new license or the transfer of the license.

(2) For any conviction of the licensee of any violation in or on the licensed premises relating to the laws of the State of Maryland concerning gambling or gaming.

(i) In Worcester County, the Board of License Commissioners may revoke or suspend an alcoholic beverages license if the license has not been placed in operation after a period of 6 months from the date the Board approved:

(1) The issuance of the license; or

(2) The transfer of the license.

§10–402.

(a) Whenever any license or permit issued under the provisions of this article is suspended by the Comptroller, the licensee or permittee may, before the effective date of the suspension, petition the Comptroller for permission to make an offer of compromise consisting of a sum of money in lieu of serving the suspension.

(b) Money paid in lieu of suspension shall be paid into the general funds of the State.

(c) An offer of compromise shall not exceed \$2,000 in the case of retail licensees, and shall not exceed \$50,000 for other licensees and permittees.

(d) The Comptroller may accept the offer of compromise if (1) the public welfare and morals would not be impaired by allowing the licensee or permittee to operate during the period set for the suspension and (2) the payment of the sum of money will achieve the desired disciplinary purposes.

(e) The Comptroller may promulgate rules and regulations necessary to carry out the purposes of this section.

§10-403.

(a) (1) The Comptroller or the Board of License Commissioners for any county or Baltimore City, as the case may be, may on its own initiative or upon the written complaint of ten or more citizens, residents, real estate owners and voters of the precinct in which any licensed place of business is situated or upon the complaint of any deputy or inspector employed by the Comptroller in the administration of this law, or any peace officer, or if the licensee is located within the corporate limits of any municipality, which is within a county, upon complaint of the mayor and council of that municipality, after a hearing upon charges to be framed by the officer or Board, or upon the complaint, notice of which shall be given to the licensee at least ten days before the hearing, revoke or suspend any license issued under the provisions of this article.

(2) Nothing contained in this section shall prevent the immediate suspension of any license by:

(i) The Comptroller;

(ii) The Board of License Commissioners for Anne Arundel County, under § 15-112(c)(6) of this article; or

(iii) The Board of License Commissioners of Kent County, under § 15-112(p) of this article.

(b) In Allegany County such a complaint may be made by ten or more of such persons of the vicinity in which any licensed place of business is situated.

(c) (1) This subsection applies only in Baltimore County and in Worcester County.

(2) Notice of the charges of complaint shall be given to the licensee by personal service on the licensee or any adult employee of the licensee or by any other method of service of notice that is in conformity with Maryland Rules 2-121 and 2-122.

(3) If service of notice is given to an adult employee of the licensee under paragraph (2) of this subsection, a copy of the notice or a letter describing the contents of the notice shall be mailed to the home or business address of the licensee within 72

hours of the day service is given to the adult employee.

§10-404.

(a) Except as otherwise provided in this section, when the license issued under the provisions of this article has been revoked, such licensee shall not at any time thereafter be entitled to obtain any other license under the provisions of this article, and no other person shall be entitled to obtain such a license for the same premises until after the expiration of six months from the date of such revocation and not at all in the discretion of said Comptroller, board of license commissioners for the city or county, court or State Appeal Board as the case may be. If the license was held on behalf of a corporation, partnership, or unincorporated association, no person until after the expiration of said six-month period shall be entitled to obtain another license on behalf of such corporation, partnership, or unincorporated association, for the sale of alcoholic beverages upon the same premises.

(b) In Allegany County if a license is revoked by reason of the licensee being convicted of violating any provisions of the Tax - General Article that relate to the alcoholic beverage tax or any provision of this article, no license under this article may be issued to the same person or for the same premises within a period of one year thereafter.

(c) In Garrett County if a license is revoked by reason of the licensee being convicted of violating any provisions of the Tax - General Article that relate to the alcoholic beverage tax or any provision of this article, no license under this article may be issued to the same person or for the same premises within a period of two years thereafter.

(d) In Montgomery County if a license is revoked, the Board of License Commissioners may issue a license for the same premises to a person other than the former licensee in the same manner as the Board considers an application for a new license.

(e) In Wicomico County if a license is revoked by reason of the licensee being convicted of violating any provisions of the Tax - General Article that relate to the alcoholic beverage tax or any provision of this article, no license under this article may be issued to the same person within a period of 1 year thereafter. No other persons shall be entitled to obtain such a license for the same premises until after expiration of 6 months from the date of such revocation.

§10-405.

(a) The provisions of this section apply only in:

- (1) Allegany County;
- (2) Anne Arundel County;

- (3) Calvert County;
- (4) Caroline County;
- (5) Carroll County;
- (6) Cecil County;
- (7) Charles County;
- (8) Dorchester County;
- (9) Frederick County;
- (10) Garrett County;
- (11) Harford County;
- (12) Kent County;
- (13) Prince George's County;
- (14) Queen Anne's County;
- (15) St. Mary's County;
- (16) Except as provided in subsection (i) of this section, Washington County;
- (17) Wicomico County; and
- (18) Worcester County.

(b) (1) Except as provided in paragraph (2) of this subsection and in subsections (i) and (j) of this section, a license issued under the provisions of this article shall be revoked if, after hearing as provided in § 10–403 of this subtitle, any of the activities listed in this section are found to occur on any premises or location for which the license was issued.

(2) The license of a person may not be revoked under paragraph (1) of this subsection if:

(i) The person operates a theater, concert hall, art center, museum, or similar establishment that is primarily devoted to the arts or theatrical performances; and

(ii) The performances express matters of serious literary, artistic, scientific, or political value.

(c) With respect to attire and conduct, a person may not:

(1) Be employed or used in the sale or service of alcoholic beverages in or upon the licensed premises while the person is unclothed or in attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;

(2) Be employed or act as a hostess or act in a similar-type capacity to mingle with the patrons while the hostess or person acting in a similar-type capacity is unclothed or in attire, costume or clothing as described in paragraph (1) of this subsection;

(3) Encourage or permit any person on the licensed premises to caress or fondle the breasts, buttocks, anus or genitals of any other person; or

(4) Permit any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion of it.

(d) With respect to entertainment provided, a person may not:

(1) Permit any person to perform acts of or acts which simulate:

(i) The act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(ii) The caressing or fondling of the breast, buttocks, anus or genitals;
or

(iii) The display of the pubic hair, anus, vulva or genitals;

(2) Permit any entertainer whose breasts or buttocks are exposed (subject to the restrictions of paragraph (1) of this subsection) to perform closer than six feet from the nearest patron; or

(3) Permit any person to use artificial devices or inanimate objects to depict, perform or simulate any activity prohibited by paragraph (1) of this subsection.

(e) A person may not exhibit or show any motion picture film, still picture, electronic reproduction or other visual reproduction depicting:

(1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(2) Any person being caressed or fondled on the breast, buttocks, anus or genitals;

(3) Scenes where a person displays the vulva or anus or the genitals; or

(4) Scenes where artificial devices or inanimate objects are employed to

depict, or drawings are employed to portray, any of the prohibited activities described above.

(f) A person may not permit any person to remain in or upon the licensed premises who exposes to public view any portion of his genitals or anus.

(g) The provisions of this section do not permit any conduct or form of attire prohibited by any other provision of statute, ordinance, rule or regulation.

(h) In Cecil County, in addition to the penalty provided in subsection (b) of this section, if any of the activities listed in subsections (c), (d), (e), and (f) of this section are found to occur on the premises for which the license was issued, the holder of the license, or any employee, entertainer, or patron who performs any of the listed activities is guilty of a misdemeanor and shall be fined or imprisoned according to the penalty set forth in § 16–503 of this article.

(i) In Washington County, this section does not apply to:

(1) The Washington County Playhouse; or

(2) A theater holding a Class B beer, wine and liquor on–sale license under § 6–201(w) of this article.

(j) (1) This subsection applies only in Caroline County and Garrett County.

(2) After a finding that the activities enumerated in this section have occurred, the Board of License Commissioners may decide whether or not to revoke a license.

§10–501.

(a) Except as otherwise provided under this section, licenses issued under provisions of this article shall not be regarded as property or as conferring any property rights. All such licenses shall be subject to suspension, restriction or revocation, and to all rules and regulations that may be adopted as herein provided.

(b) (1) This subsection applies only in Prince George’s County.

(2) Licenses issued under this article are not subject to writs of execution by a judgment creditor of a licensee nor are the licenses subject to a distraint for rent.

(3) The Board of License Commissioners may impose restrictions upon individual licensees to enable the Board to discharge the duties imposed upon it by this article if:

(i) The Board develops written restrictions that are reasonable, clear, and ascertainable; and

(ii) The Board develops written rules and regulations for the enforcement of the restrictions that comply with the due process:

1. Providing notice; and
2. Providing a hearing.

(4) (i) A licensee may create a security interest in its license in favor of a landlord or any creditor of the licensee. The security interest shall be perfected in accordance with the Commercial Law Article.

(ii) The licensee shall deliver a copy of the underlying security agreement that is signed by or on behalf of the individual or entity that holds the license.

(iii) Any transfer of a license pursuant to a security agreement shall be subject to approval by the Board in the same manner as is any other license transfer except that the written consent and cooperation of the existing licensee is not required.

(c) In Worcester County licenses issued under this article are not subject to writs of execution by a judgment creditor of a licensee nor are these licenses subject to a distraint for rent.

(d) In Howard County licenses issued under provisions of this article may not be:

- (1) Regarded as property or as conferring any property rights;
- (2) Subject to writs of execution by a judgment creditor of a licensee; or
- (3) Subject to a distraint for rent.

(e) In Harford County, licenses issued under provisions of this article may not be subject to:

- (1) Writs of execution by a judgment creditor of a licensee;
- (2) A distraint for rent; or
- (3) Sale or transfer per se, unless the license accompanies the business to which the license was issued.

(f) In Wicomico County, licenses issued under this article are not subject to writs of execution by a judgment creditor of a licensee or a distraint for rent.

§10-502.

(a) Except as otherwise provided in this section, whenever any license issued under this article has been lost or destroyed, the license issuing authority issuing such

a license shall have the power, upon application under oath, and upon payment of a fee of \$1, to issue another license, upon which shall be endorsed the word “duplicate” in addition to all of the information which appeared upon the original license.

(b) In Prince George’s County, the fee for a duplicate license is \$10.

(c) (1) This subsection applies only in Baltimore City.

(2) An establishment with multiple public areas in which alcoholic beverages are sold shall display a duplicate license in each area.

(3) The fee for a duplicate license is \$20.

(d) In Garrett County, the fee for a duplicate license is \$10.

(e) In Anne Arundel County, the Board of License Commissioners shall determine the fee for a duplicate license.

§10–503.

(a) (1) In this section, “board” means the board of license commissioners or liquor control board, as the case may be, of the county or Baltimore City.

(2) Any holder of a license under this article, including a receiver or trustee for the benefit of creditors, may be permitted to transfer the holder’s place of business to some other location or sell or assign the license and transfer the holder’s stock in trade to another person, but only if:

(i) An application for the transfer or sale has been made;

(ii) All retail sales, amusement, admission, and withholding taxes have been paid to the Comptroller of the Treasury of the State;

(iii) A bulk transfer permit is obtained if the stock of alcoholic beverages is to be transferred whether by sale, gift, inheritance, assignment, or otherwise, and irrespective of whether or not consideration is paid; and

(iv) The new location or assignee is approved by the board as in the case of an original application for such a license under § 10–202 of this title.

(3) A transfer or assignment, when made, shall be endorsed upon the license by the license issuing authority upon payment of a fee of \$20 in addition to the costs of publication and notice, which shall be paid to the local collecting agent at the time of the filing of the application for the transfer or sale. This section permits the transfer of location and the assignment of license in the same application.

(4) A board may not permit the transfer of an alcoholic beverages license until the transferor has complied with the Bulk Transfers Act, Commercial Law Article,

Title 6, and has certified such compliance, by affidavit, to the board.

(5) The provisions of this section apply in every county and in Baltimore City, unless otherwise provided in this section.

(b) (1) This subsection applies only in Allegany County.

(2) The fee for assignment or transfer of an alcoholic beverages license is \$200.

(3) The Board may not permit the transfer of an alcoholic beverages license within its jurisdiction unless there is presented to the Board a receipt or certificate from the Director of Finance showing that there are no unpaid taxes due to Allegany County or the State of Maryland on the merchandise, fixtures, or stock of the transferor.

(c) (1) This subsection applies only in Anne Arundel County.

(2) (i) The fee for assignment or transfer of a license is \$200.

(ii) This does not apply to a club license.

(3) (i) The Board may not approve an application for transfer of a license unless all obligations of the transferrer (former licensee) pertaining to the licensed establishment have been fully paid or some arrangement concerning debts and obligations satisfactory to the transferrer's creditors has been made.

(ii) The Board is not bound by the prohibition in subparagraph (i) of this paragraph unless a bona fide creditor submits his claim, under affidavit, to the Board prior to the hearing held on the transfer and the claim involves an indebtedness which was incurred in the operation of the licensed premises.

(iii) The provisions of subparagraph (i) of this paragraph also apply to an application for a new license whenever the Board believes that the application for a new license is being used as a subterfuge for avoiding the provisions regarding transfer of licenses.

(4) (i) A corporation or club holding an alcoholic beverages license, during any license year, may substitute the name of one of its officers for the name of any other officer on the license when the deleted licensee has died, has retired, has moved from the county, or no longer has a financial interest in the corporation or club.

(ii) The substitution may not be accompanied by a sale of corporate stock which results in a change of the controlling interest of the corporation or club.

(iii) The Board may not approve the application for the substitution unless all obligations of the corporation or club have been fully paid or some arrangement concerning debts and obligations satisfactory to its creditors has been made.

(iv) The corporation or club shall submit a letter, signed by the new license applicant and the two remaining licensees, applying to the Board for a substitution.

(v) Upon the approval of the Board and the payment of the necessary costs and fees, a new license shall be issued with the correct names on it. In all other cases a formal transfer of the license shall be accomplished in accordance with subsection (a) of this section.

(d) (1) This subsection applies only in Baltimore City.

(2) A transfer of any license may only be made as authorized in subsection (a) of this section if the Board has presented to it a receipt or certificate from the Director of Finance showing there are no unpaid taxes on the merchandise, fixtures, and stock of the transferor due to the City of Baltimore or the State of Maryland.

(3) (i) Subject to subparagraph (ii) of this paragraph, the fee for transfer or assignment of a license is \$200 in addition to the cost of publication and notice and any hearing fees required.

(ii) A Class C licensee may transfer or assign one license during a license year without paying a fee.

(4) A transfer of any license shall be completed not more than 180 days after the Board approves the transfer.

(e) (1) This subsection applies only in Baltimore County.

(2) Except for the transfer provided for in paragraph (3) of this subsection, all classes of alcoholic beverages licenses shall be transferred as provided for in subsection (a) of this section.

(3) The Board, after a hearing, may grant a transfer of a Class B beer, wine and liquor (on-sale) hotel and restaurant license to a Class D beer, wine and liquor (on-sale) license if, before the annual renewal of the license, the holder:

(i) Is cited by the Board for violating the license restriction concerning the percent of food sold versus the percent of alcoholic beverages sold; or

(ii) Because of hardship or economic conditions, knows that this restriction is being violated on the licensed premises and notifies the Board in writing of this violation and the reasons for requesting the transfer.

(4) A license may not be transferred in accordance with the provisions of paragraph (3) of this subsection unless after the hearing the Board finds that the transfer is in the best interest, health, safety and welfare of the neighborhood in which the license transfer is to be granted.

(5) This subsection does not apply to the exceptions from the population requirements provided for in the rules of the Board of License Commissioners.

(6) The Board may not permit the transfer of an alcoholic beverages license within its jurisdiction unless there is presented to the Board a receipt or certificate from the Director of Finance showing that there are no unpaid taxes on the merchandise, fixtures, or stock of the transferor due to Baltimore County or the State of Maryland.

(f) The provisions of subsection (a) of this section apply in Calvert County.

(g) The provisions of subsection (a) of this section apply in Caroline County.

(h) (1) This subsection applies only in Carroll County.

(2) The fee for transfer of a license is \$350, in addition to the costs of publication and notice. This fee is not refundable.

(3) The fee for assignment of a license to another person is \$350.

(4) A transfer or assignment of license, or both, may not be made until the Board has been satisfied that all State and local real and personal property taxes owed by the transferor or assignor of the license, or both, have been paid.

(i) (1) This subsection applies only in Cecil County.

(2) The Board may not transfer an off-sale alcoholic beverages license of any class for the use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

(j) (1) This subsection applies only in Charles County.

(2) The fee for assignment and/or transfer of a license is \$200.

(3) (i) If an alcoholic beverages license is to be transferred to a different holder, the Board shall investigate whether the transferee has a police record of criminal convictions.

(ii) The Board shall adopt regulations for preserving the confidentiality of the police records secured under this subsection.

(4) If an alcoholic beverages license is to be transferred to a different location, the Board shall consider the existing need for that class of license at the proposed new location.

(5) A transfer of any license may not be made as authorized in subsection (a) of this section unless there is presented to the Board:

(i) A certification from the Treasurer of the county showing the value of the merchandise, fixtures, and stock-in-trade, as certified to the county by the State Department of Assessments and Taxation, for the business for which the application is made for the calendar year next preceding the year the license is to be issued.

(ii) A certification from the Treasurer of the county showing that there are no unpaid taxes due from the transferor or assignor to the:

1. County, incorporated city, or place where the licensed premises is to be located; and

2. County or State of Maryland on the merchandise, fixtures, and stock-in-trade where the licensed premises is to be located.

(6) Except by way of renewal, an alcoholic beverages license of any class may not be transferred or issued to any business establishment of the type known as chain stores, supermarkets, discount houses, or their franchisors or franchisees, or concessionaires of any kind.

(k) The provisions of subsection (a) of this section apply in Dorchester County.

(l) (1) This subsection applies only in Frederick County.

(2) The Board may not transfer an off-sale alcoholic beverages license of any class for the use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

(m) (1) This subsection applies only in Garrett County.

(2) The fee for assignment of transfer of an alcoholic beverages license is:

(i) \$200; and

(ii) The costs of publication and notice.

(n) (1) This subsection applies only in Harford County.

(2) The Board:

(i) May not transfer the location or ownership of any alcoholic beverages license of any class for the use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption; or

(ii) May not transfer the location or ownership of any off-sale

alcoholic beverages license of any class with the privilege of operating the premises as a drive-through purchase facility.

(3) (i) The Board shall transfer an alcoholic beverages license that is issued for use in a business if:

1. The business is sold to a different owner; and
2. The new owner qualifies as a licensee under this article.

(ii) 1. The Board may set a charge for the transfer of a license under this paragraph, which may not exceed the administration cost for processing the transfer.

2. If a license is transferred under this paragraph before its expiration date, the Board shall permit the transferee to operate under the license until the license expiration date without additional charge except for the charge provided for under item 1 of this subparagraph.

3. If a license is transferred under this paragraph on its expiration date, the charge for the transfer is the same as the fee for the issuance of the license.

(o) (1) This subsection applies only in Howard County.

(2) A transfer of a license may not be granted until all State and local personal property taxes owed by the transferor have been paid.

(p) The provisions of subsection (a) of this section apply in Kent County.

(q) The provisions of subsection (a) of this section apply in Montgomery County.

(r) (1) This subsection applies only in Prince George's County.

(2) (i) The Board may not approve a license transfer from the present location to a new location for a period of 2 years from the date of the granting of a new license.

(ii) The provisions of this paragraph do not apply to the transfer or assignment of an alcoholic beverages license that is made by a receiver or trustee for the benefit of the creditors of a licensee or a transfer that is made due to the death of a licensee.

(3) The fee for assignment or transfer of a license is \$500.

(4) (i) If a transfer is authorized under paragraph (2) of this subsection, a transfer of a license may not be approved or issued for transfer from one location to another unless the Board first determines that:

1. The transfer to the proposed new location is necessary for the accommodation of the public; and

2. The assignee or transferee has complied with the residency requirements specified in § 9–101 of this article.

(ii) A transfer of location or ownership may not be approved when a transfer of location has been authorized for a license within 2 years except at the discretion of the Board. This provision may not be construed to bar or prohibit a transfer of ownership for continuance of a business in the same location, unless there has been a transfer of location for the license within 2 years. Notwithstanding any other provisions of this section, a receiver or trustee for the benefit of creditors of a licensee, within 6 months of appointment as the receiver or trustee or within 6 months of the death of the license holder, may transfer ownership and location of a license, subject to the approval of the Board.

(5) The Board may not transfer any class of alcoholic beverages license for use in a business establishment with a commercial fuel pump located on the premises that is used by the general public for the purchase of fuel.

(s) The provisions of subsection (a) of this section apply in Queen Anne’s County.

(t) (1) This subsection applies only in St. Mary’s County.

(2) The fee for assignment or transfer of any alcoholic beverages license is \$100.

(u) (1) This subsection applies only in Somerset County.

(2) The Board may waive the publication notice required under subsection (a) of this section for the transfer or assignment of licenses but only with respect to Class C club licenses when a person whose name appears on the license becomes ineligible, provided that a new application for the same class of license is properly filed with the Board within 10 days of the date on which the person becomes ineligible.

(3) The fee for transfer or assignment of a license is \$50 in addition to the cost of publication, notice, and any hearing fees required.

(v) The provisions of subsection (a) of this section apply in Talbot County.

(w) (1) This subsection applies only in Washington County.

(2) In this subsection, “Board” means the Board of License Commissioners.

(3) The Board may not transfer an alcoholic beverages license until the transferor has paid all county taxes that are due and owed under the license and has certified by affidavit to the Board that no county taxes are due and owed.

(4) Upon transfer of a license, the Board shall impose a fee of:

(i) \$400 each time the license is transferred; and

(ii) \$100 each time the transfer is advertised.

(x) (1) This subsection applies only in Wicomico County.

(2) The publication notice referred to in this section may, in the discretion of the Board, be waived with respect to Class C club licenses when a person whose name appears on the license becomes ineligible, provided that a new application for the same class of license is properly filed with the Board within 10 days of the date on which the person becomes ineligible.

(3) The fee for transfer or assignment of a license is \$75 in addition to the cost of publication, notice, and any hearing fees required.

(y) (1) This subsection applies only in Worcester County.

(2) (i) A corporation or club holding any class of alcoholic beverages license other than Class C, during any license year, may substitute the name of one of its officers for the name of any other officer on the license when the deleted officer has died, retired, been removed from office, or no longer holds an office in the corporation or club if the substitute is a fit person approved by the Board and can meet all the requirements the substitute would have to meet if the substitute were named in the original application.

(ii) The corporation or club shall file an affidavit and application as in the case of an original license application with the Board showing the substitution of the officer or officers with an explanation of the substitution. Upon receipt of the affidavit and application and after a find by the Board that the person is a fit person and would meet all the requirements an original applicant must meet, the Board shall amend its records and issue a new license with the corrected names on it.

(iii) The corporation or club shall pay a fee of \$100 to the Board for the service.

(iv) The fee for a transfer and for assignment of a license is the greater of \$50 or 25 percent of the annual fee of the license being transferred in addition to the cost of publication, notice, and any hearing fees required.

(3) The Board may not transfer an off-sale alcoholic beverages license of any class for the use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

(4) In addition to the restrictions provided in subsection (a) of this section,

before an owner of a business that is licensed under this article may transfer or assign any pecuniary interest in that licensed business:

- (i) The owner shall first notify the Board of the proposed transfer or assignment; and
- (ii) The Board shall approve the transfer or assignment.

§10-504.

(a) Except in Baltimore County, on the tenth day after the holder of any license issued under this article has vacated, or been evicted from the premises for which the license was issued, the license shall expire unless an application for approval of a transfer to another location or assignment to another person pursuant to § 10-503 of this article or an application pursuant to § 10-506 of this article has been approved or is then pending. However, the State Comptroller or local licensing board, as the case may be, may postpone the expiration for an additional period not exceeding 20 days in any case to avoid undue hardship.

(b) This section does not apply to the holder of any license whose premises have been acquired for public use.

(c) The license for a premises acquired for public use shall expire within 180 days of acquisition unless an application for approval of a transfer of the license to another location or assignment to another person pursuant to § 10-503 of this article or an application pursuant to § 10-506 of this article has been approved or is then pending.

(d) (1) (i) This subsection applies only in Baltimore City.

(ii) In this subsection, “Board” means the Board of License Commissioners or the Office of the Comptroller, whichever is the issuing party.

(2) 180 days after the holder of any license issued under the provisions of this article has closed the business or ceased active alcoholic beverages business operations of the business for which the license is held, the license shall expire unless:

(i) An application for approval of a transfer to another location or an application for assignment to another person pursuant to § 10-503(d) of this subtitle has been approved or is then pending;

(ii) An application pursuant to § 10-506 of this subtitle has been approved or is then pending; or

(iii) A written request for a hardship extension, as provided in this subsection, is filed within the 180-day period.

(3) The licensee or other appropriate interested parties may make a written request to the Board for an extension of the life of the license due to undue

hardship, for a time period of no more than a cumulative period of 360 days after the date of closing or cessation of alcoholic beverages business operations of the business for which the license is held.

(4) After a hearing conducted on the extension request, on a finding that undue hardship currently exists causing the closing or cessation of business operations, the Board may grant an extension of the life of the license for a time period not to exceed 360 days as defined in paragraphs (3) and (5) of this subsection.

(5) It is the intent of this subsection that the total time period for which a license may be deemed unexpired under paragraph (2) of this subsection is 180 days if no undue hardship extension is granted, and no more than 360 days if an undue hardship extension has been granted. The time period begins at the earlier of the closing of the business or cessation of alcoholic beverages business, and shall be tolled only upon the filing of an application or request described in paragraph (2) of this subsection, the expiration period to begin running again, cumulatively to the time period before the filing of the application or request, upon the occurrence of the later to occur of the following events:

(i) Final action of the Board granting or denying a request authorized by paragraph (3) of this subsection;

(ii) Final action of the Board denying an application described under paragraph (2)(i) or (ii) of this subsection; or

(iii) Final judgment of the appellate court when judicial review of the Board's action on an application or request authorized by paragraph (2) or (3) of this subsection has been sought, or on dismissal of a petition for judicial review.

(6) If an application or request to the Board described in paragraph (2) or (3) of this subsection is withdrawn, there shall be no tolling of the period for automatic expiration of the license and it shall be deemed as if no such application or request was filed.

(e) (1) (i) This subsection applies only in Baltimore County.

(ii) In this subsection, "Board" means the Board of License Commissioners or the Office of the Comptroller, whichever is the issuing party.

(2) 180 days after the holder of any license issued under the provisions of this article has closed the business or ceased active alcoholic beverages business operations of the business for which the license is held, the license shall expire unless:

(i) An application for approval of a transfer to another location or an application for assignment to another person pursuant to § 10-503 of this article has been approved or is then pending;

(ii) An application pursuant to § 10-506 of this article has been

approved or is then pending; or

(iii) A written request for a hardship extension, as provided in this subsection, is filed within the 180-day period.

(3) Except as provided in paragraph (7) of this subsection, the licensee or other appropriate interested parties may make a written request to the Board for an extension of the life of the license, due to undue hardship, for a time period of no more than a cumulative period of 360 days after the date of closing or cessation of alcoholic beverages business operations of the business for which the license is held.

(4) Except as provided in paragraph (7) of this subsection, after a hearing conducted on the extension request, upon a finding that undue hardship currently exists causing the closing or cessation of business operations, the Board may grant an extension of the life of the license for a time period not to exceed 360 days as defined in paragraphs (3) and (5) of this subsection.

(5) It is the intention of this subsection that the total time period for which a license may be deemed unexpired under paragraph (2) of this subsection is 180 days if no undue hardship extension is granted and no more than 360 days if an undue hardship extension has been granted. The time period begins at the earlier of the closing of the business or cessation of alcoholic beverages business, and shall be tolled only upon the filing of an application or request described in paragraph (2) of this subsection, the expiration period to begin running again, cumulatively to the time period before the filing of the application or request, upon the occurrence of the later to occur of the following events:

(i) Final action of the Board granting or denying a request authorized by paragraph (3) of this subsection;

(ii) Final action of the Board denying an application described by subparagraphs (i) or (ii) of paragraph (2) of this subsection; or

(iii) Final judgment of the appellate court when judicial review of the Board's action on an application or request authorized by paragraphs (2) or (3) of this subsection has been sought, or upon dismissal of a petition for judicial review.

(6) In the event that an application or request to the Board described in paragraph (2) or (3) of this subsection is withdrawn, there shall be no tolling of the period for automatic expiration of the license and it shall be deemed as if no such application or request was filed.

(7) If a licensed premises is forced to close because of a casualty loss, the Board, without circuit court approval, may extend the license for not more than 2 years after the closing.

(f) (1) In Charles and Wicomico counties, if the Board of License Commissioners in the respective county or the Harford County Liquor Control

Board determines that a licensed premises under its jurisdiction is seasonally operated, the respective county board may authorize the closing of the premises in its respective jurisdiction for no more than 6 months.

(2) To qualify for this exception:

(i) The licensee shall submit a written request to the respective county board at least 30 days before the anticipated date of closing; and

(ii) In Harford County, the licensee shall also submit a written request to the Board at least 30 days before the anticipated date of reopening.

(g) In Cecil County an alcoholic beverages license is declared null and void if a licensee:

(1) Is no longer using the license and has the intention of terminating the business of the licensed premises; and

(2) Has not timely filed a transfer of the license with the Board of License Commissioners pursuant to § 10-503 or § 10-506 of this article.

(h) (1) (i) This subsection applies only in Allegany County.

(ii) In this subsection, “Board” means the Board of License Commissioners.

(2) One hundred eighty days after the holder of any license issued under the provisions of this article has closed the business or ceased active alcoholic beverages business operations of the business for which the license is held, the license shall expire unless:

(i) An application for approval of a transfer to another location or an application for assignment to another person under § 10-503(b) of this subtitle has been approved or is then pending;

(ii) An application under § 10-506 of this subtitle has been approved or is then pending; or

(iii) A written request for a hardship extension, as provided in this subsection, is filed within the 180-day period.

(3) The licensee or other appropriate interested parties may make a written request to the Board for an extension of the life of the license due to undue hardship, for a time period of no more than a cumulative period of 360 days after the date of closing or cessation of alcoholic beverages business operations of the business for which the license is held.

(4) After a hearing conducted on the extension request, on a finding that

undue hardship currently exists causing the closing or cessation of business operations, the Board may grant an extension of the life of the license for a time period not to exceed 360 days as defined in paragraphs (3) and (5) of this subsection.

(5) (i) It is the intent of this subsection that the total time period for which a license may be deemed unexpired under paragraph (2) of this subsection is 180 days if no undue hardship extension is granted, and no more than 360 days if an undue hardship extension has been granted.

(ii) The time period begins at the earlier of the closing of the business or cessation of alcoholic beverages business, and shall be tolled only on the filing of an application or request described in paragraph (2) of this subsection, the expiration period to begin running again, cumulatively to the time period before the filing of the application or request, on the occurrence of the later to occur of the following events:

1. Final action of the Board granting or denying a request authorized by paragraph (3) of this subsection;

2. Final action of the Board denying an application described under paragraph (2)(i) or (ii) of this subsection; or

3. A. Final judgment of the appellate court when judicial review of the Board's action on an application or request authorized by paragraph (2) or (3) of this subsection has been sought; or

B. On dismissal of a petition for judicial review of the Board's action.

(6) If an application or request to the Board described in paragraph (2) or (3) of this subsection is withdrawn, there shall be no tolling of the period for automatic expiration of the license and it shall be considered as if the application or request had not been filed.

§10-505.

Every person receiving a license under the provisions of this article shall frame his license under glass and place the same so that it shall at all times be conspicuous and easily read in his place of business, except in the case of a Class F license, which shall be kept in the chief operating office of the corporation in this State.

§10-506.

(a) (1) Subject to paragraph (2) of this subsection, on the death of the holder of any license issued under this article other than Class E, Class F and Class G licenses, the license shall expire.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, upon application to the Comptroller or local licensing board, as the case may be, that granted

the license, and upon the payment of a fee of one dollar (\$1.00), made by the executors or administrators of the deceased licensee to the Comptroller or local collecting agent, as the case may be, a certificate of permission may be granted for the continuation of the business in the name of the executors or administrators for the benefit of the estate of the deceased.

(ii) In Frederick County, a fee may not be charged for a certificate of permission.

(3) The certificate of permission may be granted for a period not exceeding 18 months from the date of the granted permission, unless the license expires earlier.

(4) If the license does expire earlier, upon application by the executor or administrator, a renewal license may be granted for a period not exceeding 18 months after the death of the license holder.

(5) Such certificates of permission and renewal licenses issued will be subject to the right of protest, revocation, suspension and restriction as in other cases, upon the payment of a pro rata license fee for such period, and during the period of such continuation the said license and the executors or administrators of the deceased shall be subject to the provisions of the Tax – General Article that relate to the alcoholic beverage tax and all of the provisions of this article.

(6) The said administrator or executor to which the aforesaid certificate of permission has been granted may assign or transfer said license for the benefit of said estate, and upon the approval of the application for said transfer or assignment, the said license shall be considered reinstated upon the payment of the balance of the license fee which might be due to the expiration of the license year.

(7) If the business of the licensee be not continued as above provided, or if the said license be not transferred or assigned, his executors or administrators shall be authorized to apply for and obtain any refund to which the deceased would have been entitled if his license had been surrendered for cancellation upon the date of his death.

(8) No Class E, Class F or Class G license shall expire or become inoperative because of the death and/or incompetency of one or more, but less than all, of the persons to whom it is issued for a company.

(9) (i) Except as provided in subparagraph (ii) of this paragraph, if all of the persons to whom it is so issued shall die and/or become incompetent during its term, such license shall expire ten days thereafter, but, upon application within such ten days, accompanied by a fee payment of \$1.00 by a person on behalf of such company, the Comptroller shall issue a new license replacing, and containing the privileges of, such license to the end of the license year.

(ii) In Frederick County, a fee may not be charged for a new license.

(b) Notwithstanding any provisions to the contrary in this article, upon the

death of any married licensee, or upon the death of any licensee holding that license for the benefit of a partnership or corporation, upon application to the Comptroller or local licensing board, as the case may be, that granted the license, a new license shall be issued to the surviving spouse, the surviving partners for the benefit of the partnership, or the senior surviving officer for the benefit of the corporation without the necessity of any further proceedings for the balance of the current license year. A renewal license may be issued to the surviving spouse or to the surviving members of a partnership or corporation, if they qualify to hold license under this article. The provisions of this subsection apply only in the following subdivisions:

- (1) Anne Arundel County;
 - (2) Baltimore County;
 - (3) Baltimore City;
 - (4) Caroline County;
 - (5) Charles County;
 - (6) Dorchester County;
 - (7) Prince George's County;
 - (8) Somerset County; and
 - (9) Wicomico County.
- (c) (1) This subsection applies only to Carroll County.
- (2) An application for the continuation of a deceased licensee's business shall be made within 60 days of the death of the licensee.
- (3) Notwithstanding any provisions to the contrary in this section, when it is shown to the satisfaction of the Board of License Commissioners by the executor or administrator of the estate, that the estate cannot be settled within the 18-month extension period, as provided in subsection (a) of this section, because of litigation, the Board of License Commissioners may grant to the executor or administrator an additional period of time for the continuation of the business.
- (d) In Charles County, the requirements for a renewal license under subsection (b) of this section shall be handled by the Board of License Commissioners administratively and without the necessity of a hearing.

§10-507.

The provisions of the Tax - General Article that relate to the alcoholic beverage tax or the provisions of this article shall not be construed to prevent the sale and delivery of

alcoholic beverages by manufacturers and wholesalers to persons permitted by proper authority or authorities of the United States to purchase alcoholic beverages for use only on the federal reservation in this State where such persons are assigned without payment of the taxes on the wine and liquor; and in the case of beer upon which the tax has been paid at the time of purchase, a refund of the tax shall be made after approval by the Comptroller upon proper application therefor filed within ninety (90) days from date of purchase. Provided, however, the Comptroller may require his approval of each order of wine or distilled spirits before the purchase or delivery of same.

§11-101.

(a) Except as provided in subsections (b) and (c), the hours during which alcoholic beverages may be sold or delivered to retail license holders by holders of manufacturers' licenses are from 6 a.m. to midnight, on every day except Sundays and election days.

(b) In the subdivisions listed in this subsection, the hours during which alcoholic beverages may be sold or delivered to retail license holders by holders of manufacturers' licenses are from 6 a.m. to midnight, on every day except Sundays:

- (1) Allegany County;
- (2) Anne Arundel County;
- (3) Baltimore County;
- (4) Calvert County;
- (5) Carroll County;
- (6) Cecil County;
- (7) Charles County;
- (8) Frederick County;
- (9) Harford County;
- (10) Howard County;
- (11) Kent County;
- (12) Prince George's County;
- (13) Queen Anne's County;
- (14) Somerset County;
- (15) Wicomico County; and

(16) Worcester County.

(c) In Montgomery County, the hours during which alcoholic beverages may be sold or delivered by holders of manufacturers' licenses to the department of liquor control are from 6 a.m. to midnight, on every day except Sundays.

§11-102.

(a) Except as otherwise provided in this section, the hours during which alcoholic beverages may be sold or delivered to retail license holders by holders of wholesalers' licenses are from 6 a.m. to midnight, on every day except Sundays.

(b) (1) Notwithstanding the provisions of subsections (a), (c), and (d) of this section, in each county of the State and in Baltimore City, the holder of a wholesale license may enter into an agreement with the holder of a special 1-day license issued pursuant to § 7-101 of this article to deliver beer on the effective day of the license and accept returns on the same day of delivery.

(2) The parties shall agree upon the type of equipment, services, personnel, and supplies that shall be required for the dispensing of draft beer.

(c) Notwithstanding subsection (a) of this section, in Allegany County, a holder of a beer wholesaler's license may deliver draft beer to a retail license holder on Sundays and the beer wholesaler may provide equipment for the dispensing of draft beer at a rental price not less than the fair market cost for the rental. The provisions of this subsection do not violate any of the provisions of § 12-104 of this article.

(d) In Anne Arundel County, whenever a special Class C license is issued under the provisions of § 7-101 of this article, the holders of wholesale licenses may agree with the holder of a special Class C license to deliver beer on the effective date of the license and accept returns on the same day. The holder of a special Class C license shall pay for any equipment, services, personnel, and supplies required for dispensing draft beer, prior to the expiration of the license.

(e) In Montgomery County, the hours during which alcoholic beverages may be sold or delivered to retail license holders by the department of liquor control are from 6 a.m. to midnight on every day except Sundays.

(f) (1) This subsection applies only in Talbot County.

(2) The hours during which alcoholic beverages may be sold or delivered to retail license holders by holders of wholesalers' licenses are from 6 a.m. to midnight, on every day except Sundays and election days.

(g) In Worcester County, the hours during which the Liquor Control Board may sell or deliver alcoholic beverages, except beer and light wine, to retail license holders are from 6 a.m. to midnight Monday through Saturday and from 9 a.m. to 5 p.m. on Sunday.

§11-201.

This article does not restrict, limit, or prohibit the sale of alcoholic beverages on any day or during any period of hours on any day and may not be construed as applying to or affecting in any manner the sale of alcoholic beverages under a Class F license issued according to the provisions of this article.

§11-202.

The hours specified in §§ 11-301 to 11-303, inclusive, of this article apply except as modified by §§ 11-203, 11-304, 11-305, and 11-401 through 11-524, inclusive, of this article.

§11-203.

Any special or temporary license issued under this article shall be considered as a regular license of the corresponding class, so far as concerns the hours and days for the exercise of the privileges.

§11-301.

(a) (1) Except as otherwise provided in this subsection, the hours during which the privileges conferred by a Class A beer license may be exercised are from 6 a.m. to midnight, on every day except Sunday.

(2) In Caroline County, the hours of operation are from 6 a.m. to 2 a.m. the following day, on Monday through Sunday.

(3) In Frederick County, the hours of operation are:

(i) On Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) On Sunday, from 11 a.m. to 2 a.m. the following day.

(4) In Montgomery County the hours are as provided in § 11-516(d)(1) of this title.

(5) In Prince George's County the hours are from 6 a.m. to 2 a.m. on the day following, except on Sunday when sales are not permitted after 2 a.m.

(6) In Washington County, the hours of sale are as provided under § 11-522 of this article.

(b) (1) The hours during which the privileges conferred by a Class B beer license may be exercised are from 6 a.m. to midnight.

(2) In Montgomery County the on-sale privilege may be exercised from 9 a.m. on any day to 1 a.m. on the following day.

(3) In Prince George's County the hours are from 6 a.m. to 2 a.m. on the following day.

(c) (1) The hours during which the privileges conferred by a Class C beer license may be exercised are from 6 a.m. to midnight.

(2) In Caroline County, the hours are from 6 a.m. until 2 a.m. on the following day.

(3) In Montgomery County, sales may not be made before 11 a.m.

(4) In Prince George's County, the hours are from 6 a.m. to 2 a.m. on the following day.

(d) (1) The hours during which the privileges conferred by a Class D beer license may be exercised are from 6 a.m. to midnight.

(2) In Caroline County the hours are from 6 a.m. to 2 a.m. the following day, on Monday through Sunday.

(3) In Kent County the hours of sale are as provided under § 11-515 of this article.

(4) In Montgomery County the hours for on-sale are from 9 a.m. on any day to 1 a.m. on the following day.

(5) In Prince George's County the hours are from 6 a.m. to 2 a.m. on the following day.

(e) (1) The hours during which the privileges conferred by a Class H beer license may be exercised are from 9 a.m. to midnight.

(2) In Montgomery County the hours are from 9 a.m. to 1 a.m. on the following day.

(f) In Wicomico County, the hours for exercising on a Sunday the privileges conferred by a seven day, Class A (off-sale) beer license are the same as for the other days of the week.

(g) (1) This subsection applies only in Baltimore City on the inner perimeter of a rectangle bounded by 31st Street on the south, Greenmount Avenue on the east, 32nd Street on the north, and Barclay Street on the west.

(2) By regulation, the Board of License Commissioners may restrict the hours and days for the sale and consumption of beer.

(h) (1) In Baltimore City, in response to a complaint, the Board of License Commissioners may petition the circuit court for an order that limits the hours and

days for the sale and consumption of beer on a licensee's premises.

(2) The circuit court may issue a temporary order that limits the hours and days for the sale and consumption of beer on the licensed premises if the court finds by clear and convincing evidence that:

(i) The activities arising from sale and consumption of beer on the licensed premises result in an extreme and continuing disturbance to a residential community;

(ii) The licensee has failed to exercise good faith in attempting to remedy the disturbance at the request or order of the Board of License Commissioners; and

(iii) The Board has been unable to provide relief to the residential community by exercising its authority to suspend the license or reprimand the licensee.

(3) The duration of the order of the court may not exceed the duration of the license term.

(4) Pending an appeal from the order of the court, the order shall be stayed.

(5) This section may not be construed to limit any other powers of the Board of License Commissioners.

§11-302.

(a) (1) Except as otherwise provided in this subsection, the hours during which the privileges conferred by a Class A beer and light wine license may be exercised are from 6 a.m. to midnight on every day except Sunday.

(2) In the Park Heights Redevelopment Area that is specified in the Park Heights Master Plan adopted by Baltimore City in 2006, the hours of sale begin at 9 a.m. each day.

(3) In Caroline County, the hours of operation are from 6 a.m. to 2 a.m. the following day, on Monday through Sunday.

(4) In Frederick County, the hours of operation are:

(i) On Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) On Sunday, from 11 a.m. to 2 a.m. the following day.

(5) In Montgomery County the hours are as provided in § 11-516(d)(1) of this title.

(6) In Prince George's County the hours are from 6 a.m. to 2 a.m. on the

following day except on Sunday when sales are not permitted after 2 a.m.

(b) (1) The hours during which the privileges conferred by a Class B beer and light wine license may be exercised are from 6 a.m. to midnight.

(2) Except as otherwise provided in subsections (h), (i), and (j) of this section, in Baltimore City the hours are from 6 a.m. to 2 a.m. on the following day.

(3) In Baltimore County the hours are from 6 a.m. to 2 a.m. on the following day.

(4) In Montgomery County, except as provided in § 11–516 of this article, the hours for on–sale are from 9 a.m. on any day to 1 a.m. on the following day.

(5) In Prince George’s County the hours are from 6 a.m. to 2 a.m. on the following day.

(c) (1) The hours during which the privileges conferred by a Class C beer and light wine license may be exercised are from 6 a.m. to midnight.

(2) Except as otherwise provided in subsections (h) and (i) of this section, in Baltimore City the hours are from 6 a.m. to 2 a.m. on the following day.

(3) In Baltimore County the hours are from 6 a.m. to 2 a.m. on the following day.

(4) In Caroline County, the hours of operation are from 6 a.m. to 2 a.m. the following day, on Monday through Sunday.

(5) In Montgomery County, except as provided in § 11–516 of this article, sales may not be made before 11 a.m.

(6) In Prince George’s County the hours are from 6 a.m. to 2 a.m. on the following day.

(d) (1) The hours during which the privileges conferred by a Class D beer and light wine license may be exercised are from 6 a.m. to midnight.

(2) Except as otherwise provided in subsections (h), (i), and (j) of this section, in Baltimore City the hours are from 6 a.m. to 1 a.m. on the following day.

(3) In Baltimore County the hours are from 6 a.m. to 2 a.m. Monday through Sunday.

(4) In Caroline County, the hours of operation are from 6 a.m. to 2 a.m. the following day, on Monday through Sunday.

(5) In Montgomery County, except as provided in § 11–516 of this article, the hours for on–sale are from 9 a.m. on any day to 1 a.m. on the following day.

(6) In Prince George's County the hours are from 6 a.m. to 2 a.m. on the following day.

(7) In Wicomico County, notwithstanding the provisions of paragraph (1) of this subsection, the hours on Sunday are from noon to midnight only by bowling alleys as defined in § 1–102(b)(4) of this article.

(e) (1) The hours during which the privileges conferred by a Class H beer and light wine license may be exercised are from 9 a.m. to midnight.

(2) In Caroline County the hours are from 6 a.m. to 2 a.m. on the following day.

(3) In Montgomery County the hours are from 9 a.m. on any day to 1 a.m. on the following day.

(f) In Wicomico County, the hours for exercising on a Sunday the privileges conferred by a seven day, Class A (off-sale) beer and light wine license shall be the same as for the other days of the week.

(g) In Kent County, the hours for exercising the privileges conferred by a seven day, Class A (off-sale) beer and light wine license are as provided under § 11–515 of this article.

(h) (1) This subsection applies only in Baltimore City on the inner perimeter of a rectangle bounded by 31st Street on the south, Greenmount Avenue on the east, 32nd Street on the north, and Barclay Street on the west.

(2) By regulation, the Board of License Commissioners may restrict the hours and days for the sale and consumption of beer and light wine.

(i) (1) In Baltimore City, in response to a complaint, the Board of License Commissioners may petition the circuit court for an order that limits the hours and days for the sale and consumption of beer and light wine on a licensee's premises.

(2) The circuit court may issue a temporary order that limits the hours and days for the sale and consumption of beer and light wine on the licensed premises if the court finds by clear and convincing evidence that:

(i) The activities arising from sale and consumption of beer and light wine on the licensed premises result in an extreme and continuing disturbance to a residential community;

(ii) The licensee has failed to exercise good faith in attempting to remedy the disturbance at the request or order of the Board of License Commissioners; and

(iii) The Board has been unable to provide relief to the residential

community by exercising its authority to suspend the license or reprimand the licensee.

(3) The duration of the order of the court may not exceed the duration of the license term.

(4) Pending an appeal from the order of the circuit court, the order shall be stayed.

(5) This section may not be construed to limit any other powers of the Board of License Commissioners.

(j) In the Park Heights Redevelopment Area that is specified in the Park Heights Master Plan adopted by Baltimore City in 2006, the hours of sale begin at 9 a.m. each day.

(k) In Carroll County, the privileges conferred by a Class A beer and light wine license may be exercised from 11 a.m. to 6 p.m. on Sundays.

§11-303.

(a) (1) The hours during which the privileges conferred by a Class A beer, wine and liquor license may be exercised are from 6 a.m. to midnight, on every day except Sunday.

(2) The provisions of paragraph (1) of this subsection are superseded as follows:

(i) In Annapolis, the hours may be fixed by the Mayor, Counselor, and Aldermen of the City of Annapolis;

(ii) In the Park Heights Redevelopment Area that is specified in the Park Heights Master Plan adopted by Baltimore City in 2006, the hours of sale begin at 9 a.m. each day;

(iii) In Caroline County, the hours of operation are from 6 a.m. to 2 a.m. the following day, on Monday through Sunday;

(iv) In Carroll County, the privileges conferred by a Class A beer, wine and liquor license may be exercised from 11 a.m. to 6 p.m. on Sunday;

(v) In Frederick County holders of a Class A beer, wine and liquor (off-sale) license may sell beer, wine and liquor for off-premises consumption on:

1. Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

2. Sunday, from 11 a.m. to 2 a.m. the following day, if they hold a special Sunday opening permit;

- (vi) In Kent County, the provisions of § 11–515 of this article apply;
- (vii) In St. Mary’s County, holders of a Class A–1 license may sell on Sunday; and
- (viii) In Talbot County, the hours are from 8 a.m. to 12 midnight.

(b) (1) The hours during which the privileges conferred by a Class B beer, wine and liquor license may be exercised are from 6 a.m. to 2 a.m. on the following day.

(2) In Annapolis, the hours shall be as fixed by the Mayor, Counselor, and Aldermen of the City of Annapolis.

(3) In Montgomery County, except as provided in § 11–516 of this article, the hours are from 9 a.m. on any day to 1 a.m. on the following day.

(4) In the 47th alcoholic beverages district in Baltimore City, the hours for off-sales under a Class B beer, wine and liquor license for use in a restaurant are as provided for in § 6–201(d) of this article.

(5) In the Park Heights Redevelopment Area that is specified in the Park Heights Master Plan adopted by Baltimore City in 2006, the hours of sale begin at 9 a.m. each day.

(c) (1) The hours during which the privileges conferred by a Class C beer, wine and liquor license may be exercised are from 6 a.m. to 2 a.m. on the following day.

(2) In Annapolis, the hours are as fixed by the Mayor, Counselor, and Aldermen of Annapolis.

(3) In Kent County the hours of sale are as provided under § 11–515 of this article.

(4) In Montgomery County, the hours of sale are as provided in § 11–516 of this article.

(d) (1) The hours during which the privileges conferred by a Class D beer, wine and liquor license may be exercised are from 6 a.m. to midnight.

(2) Except as otherwise provided in subsections (e), (f), and (g) of this section, in Baltimore City the hours are from 6 a.m. to 1 a.m.

(3) In Baltimore County the hours are from 6 a.m. to 2 a.m.

(4) In Caroline County the hours for a 6–day license holder and a 7–day license holder are from 6 a.m. to 2 a.m. the following day.

(5) In Queen Anne’s County the hours on Monday through Saturday are from 6 a.m. to 2 a.m. on the following day.

(6) In Wicomico County the hours are from 10 a.m. to 2 a.m., Monday through Saturday. Where sales are permitted until 2 a.m., alcoholic beverages may not be consumed after 2:30 a.m., at which time all tables and bar areas shall be cleared of all alcoholic beverages.

(e) (1) This subsection applies only in Baltimore City on the inner perimeter of a rectangle bounded by 31st Street on the south, Greenmount Avenue on the east, 32nd Street on the north, and Barclay Street on the west.

(2) By regulation, the Board of License Commissioners may restrict the hours and days for the sale and consumption of beer, wine and liquor.

(f) (1) In Baltimore City, in response to a complaint, the Board of License Commissioners may petition the circuit court for an order that limits the hours and days for the sale and consumption of beer, wine, and liquor on a licensee's premises.

(2) The circuit court may issue a temporary order that limits the hours and days for the sale and consumption of beer, wine, and liquor on the licensed premises if the court finds by clear and convincing evidence that:

(i) The activities arising from sale and consumption of beer, wine, and liquor on the licensed premises result in an extreme and continuing disturbance to a residential community;

(ii) The licensee has failed to exercise good faith in attempting to remedy the disturbance at the request or order of the Board of License Commissioners; and

(iii) The Board has been unable to provide relief to the residential community by exercising its authority to suspend the license or reprimand the licensee.

(3) The duration of the order of the court may not exceed the duration of the license term.

(4) Pending an appeal from the order of the circuit court, the order shall be stayed.

(5) This section may not be construed to limit any other powers of the Board of License Commissioners.

(g) In the Park Heights Redevelopment Area that is specified in the Park Heights Master Plan adopted by Baltimore City in 2006, the hours of sale begin at 9 a.m. each day.

§11-304.

(a) (1) Between 2 a.m. and 6 a.m. on any day, a person may not consume any alcoholic beverages on any premises open to the general public, any place of

public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article, and an owner, operator or manager of the premises or places may not knowingly permit such consumption.

(2) Except as provided in this section, any person found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50 and not less than \$5.

(i) In Anne Arundel County the fine may not be more than \$250.

(ii) In Worcester County the fine may not be more than \$4,000.

(b) (1) (i) This subsection applies only in Allegany County.

(ii) In subparagraphs (iv) and (v) of this paragraph and paragraph (2) of this subsection, “premises” means:

1. A restaurant, tavern, hotel, club, dance studio, or disco;
2. A place of public entertainment;
3. A place open to the general public; or
4. A place that is licensed by the State or the county.

(iii) The prohibitions of subparagraphs (iv) and (v) of this paragraph and paragraph (2) of this subsection apply after 1 a.m. on Sunday or between the hours of 1 a.m. and 7 a.m. on other days.

(iv) A person may not consume any alcoholic beverages on any:

1. Premises open to the general public;
2. Place operated as a club;
3. Place of public entertainment; or

4. Place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of this article.

(v) An owner, operator, or manager of the premises may not permit that consumption.

(2) (i) A person may not possess or consume any alcoholic beverage on any premises which is not licensed under this article but which is open to the general public and is operated as a club, a place of public entertainment, or a place where setups

or other component parts of mixed alcoholic drinks are sold.

(ii) An owner, operator, or manager of the premises may not permit that consumption or possession.

(3) (i) Notwithstanding any other provisions of this subsection, a person may consume alcoholic beverages on the licensed premises of a video lottery facility only during the hours of operation established under § 9–1A–23(a) of the State Government Article.

(ii) A video lottery facility licensee or a concessionaire licensee or an employee of a video lottery facility licensee or a concessionaire licensee may not knowingly allow a person to consume alcoholic beverages on the licensed premises of a video lottery facility except during the hours of operation established under § 9–1A–23(a) of the State Government Article.

(4) Any person who violates the provisions of this subsection is guilty of a misdemeanor and may be fined not less than \$50 nor more than \$500 for each offense.

(c) (1) (i) This subsection applies only in Anne Arundel County.

(ii) In this paragraph, “premises” means a restaurant, tavern, hotel, club, dance studio, disco, or place of public entertainment, or a place open to the general public or in a place in any way licensed by this State or the county.

(iii) 1. A person, corporation, club, or organization may not give or allow to be consumed on the premises or on premises under its possession or control any alcoholic beverages other than as specifically permitted or provided in this article.

2. This does not apply to the room of a registered guest in any hotel, motel, or hospice.

(2) (i) A person may consume alcoholic beverages on the licensed premises of a video lottery facility only during the hours of operation established under § 9–1A–23 of the State Government Article.

(ii) A holder of an entertainment facility license or an entertainment concessionaire license or an employee of the license holder may not knowingly allow a person to consume alcoholic beverages on the licensed premises of a video lottery facility except during the hours of operation established under § 9–1A–23 of the State Government Article.

(3) Any owner, operator, manager, or employee of the premises who knowingly permits consumption in violation of this subsection is guilty of a misdemeanor and upon conviction may be fined not more than \$250.

(d) (1) Except as provided in this subsection, this section does not apply to premises conducted on New Year’s Day by on-sale licensees in Baltimore City.

(2) In Baltimore City, a licensed premises shall cease all operations, including the serving of alcoholic beverages or food and providing entertainment, at the closing hour for that class of licensed premises specified in this article.

(3) Notwithstanding paragraph (2) of this subsection, the Board of Liquor License Commissioners may grant an exemption for remaining open after hours to:

(i) A holder of a Class B restaurant license, only for serving food to patrons seated for dining;

(ii) A pharmacy that fills prescriptions; or

(iii) A holder of a Class D beer, wine and liquor license that operates a restaurant, if:

1. It is used only for serving food to patrons seated in a dining room that is not adjacent to a bar; and

2. The restaurant is located in the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

(4) A pharmacy that receives an exemption under paragraph (3) of this subsection may also sell products other than alcohol after normal closing hours.

(5) Notwithstanding the hour restrictions under paragraph (2) of this subsection, a hotel that holds a Class B license and that serves food to seated customers or to private functions or guest rooms may continue to provide food service.

(e) (1) This subsection applies only in Baltimore County.

(2) This section does not apply to activities on premises that are conducted on New Year's Day by on-sale licensees in the county.

(3) (i) Alcoholic beverages may not be brought onto any premises and consumed or transferred if the premises constitute a place of public entertainment and the entertainment is of the type prohibited under § 10-405 of this article.

(ii) Any person who operates a place of public entertainment who knowingly permits any violation of this subsection on the premises is guilty of a misdemeanor and on conviction may be fined up to \$5,000 for each violation.

(iii) Each day of operation in violation of this subsection is a separate violation.

(f) Reserved. (Calvert County)

(g) Reserved. (Caroline County)

(h) Reserved. (Carroll County)

(i) Reserved. (Cecil County)

(j) (1) This subsection applies only in Charles County.

(2) (i) Alcoholic beverages may not be brought onto any premises and consumed or transferred if the premises constitute a place of public entertainment and the entertainment is of the type listed under § 10-405(c) through (f) of this article.

(ii) Any person who operates a place of public entertainment who knowingly permits any violation of this subsection on the premises is guilty of a misdemeanor and on conviction may be fined up to \$5,000 for each violation.

(iii) Each day of operation in violation of this subsection is a separate violation.

(k) Reserved. (Dorchester County)

(l) (1) (i) This subsection applies only in Frederick County.

(ii) Between 2 a.m. and 6 a.m. on any day, a person may not consume any alcoholic beverages on any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article, and any owner, operator, employee, or manager of those premises or places may not knowingly permit such consumption.

(2) Unless otherwise specifically provided, any person violating the provisions of this subsection is subject to the general penalty provisions provided for in this section.

(m) Reserved. (Garrett County)

(n) (1) (i) This subsection applies only in Harford County.

(ii) 1. In this subsection the following words have the meanings indicated.

2. "Premises" means a restaurant, tavern, hotel, club, dance studio, disco, or place of public entertainment.

3. "Person" means a person, club, organization, or place of public entertainment.

(iii) A person may not knowingly allow the consumption, possession, or transfer of alcoholic beverages on its premises except in a manner specifically permitted or provided for by this article if:

1. The person is in possession or control of the place or premises as owner, lessee, or user;

2. The place or premises is open to the general public or in any way licensed by this State or by the county; and

3. The place or premises is not the room of a registered guest in a hotel, motel, or hospice or the property of a volunteer fire company, bona fide catering establishment, community or civic association, swim club, or bona fide social, civic, nonprofit, charitable, fraternal, patriotic, educational, or public service organization, or bona fide religious institution which has been in existence for a minimum of 3 years.

(2) The Liquor Control Board may exempt from the provisions of this subsection places similar to those listed in sub-subparagraph 3 of subparagraph (iii) of paragraph (1) of this subsection on a case-by-case basis.

(3) The Liquor Control Board shall adopt uniform rules for the administration of exceptions specified in paragraph (1) of this subsection.

(4) Any owner, operator, manager, or employee of premises or places subject to the prohibitions of this subsection who knowingly permits the prohibited consumption in violation of this subsection is guilty of a misdemeanor and upon conviction may be fined not more than \$1,000.

(o) (1) This subsection applies only in Howard County.

(2) (i) Alcoholic beverages may not be brought onto any premises and consumed or transferred if the premises constitute a place of public entertainment and the entertainment is of the type listed under § 10-405(c) through (f) of this article.

(ii) A person operating a place of public entertainment also violates the provisions of this subsection if a female entertainer exhibits her breasts below the top of the areola or exhibits the cleft of her buttocks.

(iii) Any person who operates a place of public entertainment who knowingly permits any violation of this subsection on the premises is guilty of a misdemeanor and on conviction may be fined up to \$5,000 for each violation.

(iv) Each day of operation in violation of this subsection is a separate violation.

(p) In Kent County the hours of sale under Classes B and D (on-sale) beer, wine and liquor licenses are as provided under § 11-515 of this article.

(q) (1) This subsection applies only in Montgomery County.

(2) (i) A person may not consume any alcoholic beverages between 1:30 a.m. and the next succeeding hour authorized by law for sales to begin on any premises

open to the general public, or any place of public entertainment, which holds a:

1. Class B, Class C, Class D or Class H beer license;
2. Class B, Class C, Class D or Class H beer and light wine license; or
3. Class B beer, wine and liquor license.

(ii) An owner, operator, or manager of the premises or place may not knowingly permit the consumption of alcoholic beverages between 1:30 a.m. and the next succeeding hour authorized by law for sales to begin under the respective licenses listed in subparagraph (i) of this paragraph.

(3) All containers of alcoholic beverages shall be removed from the table or tables prior to 1:30 a.m., except on Fridays and Saturdays when all containers of alcoholic beverages shall be removed prior to 2:30 a.m.

(r) (1) This subsection applies only in Prince George's County.

(2) (i) Alcoholic beverages may not be brought onto any unlicensed premises and consumed or transferred if the unlicensed premises constitute a place of public entertainment and the entertainment is of the type listed under § 10-405(c) through (f) of this article.

(ii) Any person who operates a place of public entertainment who knowingly permits any violation of this subsection on the unlicensed premises is guilty of a misdemeanor and on conviction may be fined up to \$5,000 for each violation or imprisoned up to 1 year, or both.

(iii) Each day of operation in violation of this subsection is a separate violation.

(s) Reserved. (Queen Anne's County)

(t) Reserved. (St. Mary's County)

(u) Reserved. (Somerset County)

(v) Reserved. (Talbot County)

(w) In Washington County, this section is applicable from 1 a.m. to 6 a.m. and in all other respects as provided.

(x) Reserved. (Wicomico County)

(y) (1) This subsection applies only in Worcester County.

(2) Except as otherwise provided by this article and except as provided in

paragraph (3) of this subsection, a person may not consume any alcoholic beverages at any time on any day of the week, including Saturday and Sunday, in any of the following premises:

- (i) Restaurant;
- (ii) Tavern;
- (iii) Hotel;
- (iv) Club;
- (v) Dance studio;
- (vi) Disco; and
- (vii) Any other place of public entertainment.

- (3) (i) The following are exempt from paragraph (2) of this subsection:
- 1. The room of a registered guest in a hotel, motel, or hospice;
 - 2. The property of a volunteer fire company.

or

(ii) The following are exempt from paragraph (2) of this subsection if they have been in existence for a minimum of 3 years:

- 1. A bona fide catering establishment;
- 2. A community or civic association;
- 3. A swim club;
- 4. A bona fide social, civic, nonprofit, charitable, fraternal, patriotic, educational, or public service organization; or
- 5. A bona fide religious institution.

(iii) A fishing club that was established prior to January 1, 1970 is exempt from paragraph (2) of this subsection.

(4) The Board of License Commissioners shall adopt uniform regulations for the administration of the provisions of this subsection.

(5) Any owner, operator, manager, or employee of premises or places subject to the prohibitions of this subsection who knowingly permits consumption in violation of this subsection is guilty of a misdemeanor and, on conviction, shall be fined not more than \$10,000.

§11–305.

(a) This section applies only in Baltimore City.

(b) (1) Except as otherwise provided by law or by regulation adopted under the authority of paragraph (2) of this subsection, between 2 a.m. and 6 a.m. on any day, a person may not consume any alcoholic beverages on any premises open to the general public, any place of public accommodation, or any place at which setups or other component parts of mixed alcoholic drinks are sold, whether or not the premises or place is licensed for the sale of alcoholic beverages or has any other license if any form of entertainment, live or recorded, is offered at the place or on the premises.

(2) (i) This paragraph applies only on the inner perimeter of a rectangle bounded by 31st Street on the south, Greenmount Avenue on the east, 32nd Street on the north, and Barclay Street on the west.

(ii) By regulation, the Board of License Commissioners may restrict the hours and days for the consumption of alcoholic beverages.

(c) The owner, operator, or manager of the premises or place may not knowingly permit the consumption of alcoholic beverages that is prohibited by this section.

(d) The owner, operator, or manager of any premises open to the general public or of any place of public accommodation where any form of entertainment is provided between 2 a.m. and 6 a.m. on any day and where alcoholic beverages are consumed at any hour of the day shall:

(1) Register with the fire department and the Department of Housing and Community Development; and

(2) Comply with all federal, State, and city building, fire, health, and zoning laws.

(e) Any person who consumes any alcoholic beverages on any premises enumerated in this section and any owner, operator, or manager of those premises or place who knowingly permits the consumption prohibited by this section is guilty of a misdemeanor and may be fined not more than \$5,000 or imprisoned for not more than 3 years or both.

§11–401.

(a) (1) It is unlawful for the keeper of any hotel, tavern, store, drinking establishment or any other place where liquors are sold, or for any person or persons, directly or indirectly, to sell, barter, give or dispose of any spirituous or fermented liquors, ale or beer, or intoxicating drinks of any kind within any election district or precinct of this State on the day of any general, special or primary election to be held in any district or precinct during the hours when the polls are open. Any person violating the provisions of this section is liable for indictment, and upon conviction is

fined not less than \$50 nor more than \$100 for each offense.

(2) On the day of any election any restaurant holding any license issued under the provisions of this article may dispense those alcoholic beverages that are in accordance with that license for consumption on the premises only.

(b) In the enumerated subdivisions below the holder of any license issued under the provisions of this article is permitted to exercise all of the privileges conferred by that license on the day of any election in that subdivision:

(1) Allegany County, but an alcoholic beverage licensee whose premises are also used as a polling place may not exercise any privilege conferred by that license on the day of any election during those hours the polls are open;

(2) The City of Annapolis;

(3) Anne Arundel County;

(4) Baltimore City;

(5) Baltimore County;

(6) Calvert County;

(7) Caroline County;

(8) Carroll County;

(9) Cecil County;

(10) Charles County;

(11) Dorchester County;

(12) Frederick County;

(13) Garrett County;

(14) Harford County;

(15) Howard County;

(16) Kent County;

(17) Montgomery County;

(18) Prince George's County;

(19) Queen Anne's County;

- (20) St. Mary's County;
- (21) Somerset County;
- (22) Washington County;
- (23) Wicomico County; and
- (24) Worcester County.

§11-402.

(a) This section applies primarily to January 1 of each year, New Year's Day but may also apply to December 24 and 31, as specified for each jurisdiction.

(b) (1) This subsection applies only in Allegany County.

(2) The Board of License Commissioners shall determine within their sole discretion the hour at which establishments serving alcoholic beverages must cease sales on New Year's Eve Day and on New Year's Day morning regardless of the day of the week on which December 31 and January 1 fall.

(c) (1) This subsection applies only in Anne Arundel County.

(2) This article may not be construed to require any holder of an on-sale license to close the licensed establishment at any time on January 1 of any year, and any holder of the license may make any sale of alcoholic beverages authorized by the license at any time on January 1 of any year.

(d) (1) This subsection applies only in Baltimore City.

(2) A licensee may not be required to close the licensed premises at any time on January 1 of any year. The licensee may sell alcoholic beverages that are authorized by the license at any time on January 1.

(e) (1) This subsection applies only in Baltimore County.

(2) A licensee may not be required to close the licensed premises at any time on January 1 of any year. The licensee may sell alcoholic beverages that are authorized by the license at any time on January 1.

(f) (1) This subsection applies only in Calvert County.

(2) A licensee may not be required to close the licensed premises at any time on January 1 of any year. The licensee may sell alcoholic beverages that are authorized by the license at any time on January 1.

(g) (1) This subsection applies only in Caroline County.

(2) The holder of any on-sale license may sell alcoholic beverages for consumption on the premises only in accordance with the privileges granted by that license on December 31 and January 1 between the hours of 2 p.m. December 31 and 12 midnight January 1, regardless of which day of the week December 31 and January 1 fall on. However, the holder of any on-sale license may elect to sell alcoholic beverages in accordance with the hours authorized by that license if the hours herein specified for December 31 and January 1 restrict those regular hours. The holder of any Class B or Class D license which permits beer sales for off-premises consumption may sell beer on December 31 and January 1 in accordance with the off-sale privileges granted by that license.

(h) (1) This subsection applies only in Carroll County.

(2) This article may not be construed to restrict the sale of alcoholic beverages by a holder of a Class B, Class C, Class H, or special license; or to restrict any person from consuming any alcoholic beverages on the premises of a holder of a Class B, Class C, Class H, or special license between the hours of 12 midnight and 3 a.m. on January 1 of any year.

(i) (1) This subsection applies only in Cecil County.

(2) (i) This article may not be construed to restrict the sale of alcoholic beverages under any class of license issued under this article or to restrict any person from consuming any alcoholic beverage on any premises licensed under this article:

1. On January 1, between midnight and 4 a.m.; or

2. On December 31, when that date falls on a Sunday, between 7 p.m. and 4 a.m. the following day.

(ii) On January 1, when that date falls on a Sunday, a person may not sell any class of alcoholic beverages or consume alcoholic beverages on a licensed premises between 4 a.m. and the appropriate opening hour of sale listed in § 11-508 of this title.

(j) (1) This subsection applies only in Charles County.

(2) The Board of License Commissioners upon application shall issue a special permit authorizing licensees therein to stay open on New Year's Day without regard to any restrictions as to hours or days of sale contained in this subtitle. However, licensees are subject to regulations adopted by the Board restricting and specifying the hours during which classes of those licensees may stay open on New Year's Day.

(k) Repealed.

(l) Reserved.

(m) (1) This subsection applies only in Garrett County.

(2) The Liquor Control Board shall determine within their sole discretion the hour at which establishments serving alcoholic beverages must cease sales on New Year's Eve Day and on New Year's Day morning regardless of the day of the week on which December 31 and January 1 fall.

(n) (1) This subsection applies only in Harford County.

(2) This article may not be construed to require any holder of an on-sale license to close the licensed premises until 2:00 a.m. on January 1 of any year. A licensee may sell any alcoholic beverages authorized by the license until 2:00 a.m. on January 1 of any year.

(o) (1) This subsection applies only in Howard County.

(2) Notwithstanding §§ 11-304(a) and 11-514 of this title and any other restrictions as to hours imposed by this article, a licensee, except any Class A (off-sale) licensee, may remain open and sell alcoholic beverages authorized by his license at all times on January 1 of any year.

(3) Notwithstanding § 6-101 of this article, § 11-403 of this subtitle, and § 11-514 of this title, a Class A beer, wine and liquor licensee may sell beer, wine, and liquor between the hours of 6:00 a.m. and midnight on any December 24 or December 31 regardless of which day of the week these dates fall on.

(p) (1) This subsection applies only in Kent County.

(2) This article may not be construed to restrict the sale of alcoholic beverages under any class of license issued under this article or to restrict any person from consuming any alcoholic beverages on any premises licensed under this article between the hours of 12 midnight and 4 a.m. on January 1 of any year or between the hours of 7 p.m. and 12 midnight, on December 31 in any year when December 31 falls on a Sunday. However, in any year in which January 1 falls on a Sunday, it is unlawful to sell alcoholic beverages under any class of license or to consume any alcoholic beverages on any licensed premises on January 1 between the hours of 4 a.m. and 2 p.m. in Kent County.

(q) (1) This subsection applies only in Montgomery County.

(2) Upon application to the Board of License Commissioners at least 60 days in advance, the Commissioners may issue a special permit authorizing on-sale licensees to stay open and sell alcoholic beverages subject to the provisions of this article on January 1 until 2 a.m.

(r) (1) This subsection applies only in Prince George's County.

(2) This article may not be construed to require any holder of an on-sale license to close the licensed premises until 2:00 a.m. on January 1 of any year. A licensee may sell any alcoholic beverages authorized by the license until 2:00 a.m. on January

1 of any year.

(s) (1) This subsection applies only in Queen Anne's County.

(2) This article may not be construed to require any holder of an on-sale license to close that establishment at any time on January 1 of any year. A licensee may sell alcoholic beverages authorized by the license at any time on January 1 of any year.

(t) (1) This subsection applies only in St. Mary's County.

(2) The Board of License Commissioners, upon application in such form and at such time as they direct, may issue a special permit authorizing any licensee to keep the licensed premises open on January 1 of any year.

(u) (1) This subsection applies only in Somerset County.

(2) The Board of License Commissioners shall determine the hour to cease sales of alcoholic beverages on December 31 and January 1 regardless of the day of the week on which these dates fall.

(v) Reserved.

(w) (1) This subsection applies only in Washington County.

(2) This article may not be construed to require any holder of an on-sale license to close the licensed premises until 2 a.m. on January 1 of any year. A licensee may sell any alcoholic beverages authorized by the license until 2 a.m. on January 1 of any year.

(3) When December 31 falls on a Sunday, any holder of an on-sale license may make sales only for consumption on the premises of any alcoholic beverages authorized by license from 9 p.m. on December 31 until 2 a.m. the following day.

(x) (1) This subsection applies only in Wicomico County.

(2) The Board of License Commissioners shall determine the hour at which establishments serving alcoholic beverages must cease sales on New Year's Day morning regardless of the day of the week on which January 1 falls.

(y) (1) This subsection applies only in Worcester County.

(2) The Board of License Commissioners shall determine within their sole discretion the hour at which establishments serving alcoholic beverages must cease sales on December 31 and January 1 regardless of the day of the week on which December 31 and January 1 fall.

§11-403.

(a) (1) (i) This paragraph does not apply in Calvert County.

(ii) A retail dealer holding a Class B or C license may not sell any alcoholic beverage at a bar or counter on Sunday.

(2) (i) This paragraph does not apply in the City of Annapolis.

(ii) In Anne Arundel County a licensee may sell, vend, serve, deliver and/or a patron may consume any alcoholic beverages permitted by law to be sold at any bar or counter on any day on which the sale of alcoholic beverages is permitted by law.

(3) (i) Except for the Class B Sunday off-sale license prohibition in the 47th alcoholic beverages district in Baltimore City as provided for in § 6-201(d) of this article, in Baltimore City a Class B and a Class C beer and light wine or beer, wine and liquor licensee may sell alcoholic beverages at a bar or counter on Sunday.

(ii) 1. Subject to the conditions provided in subparagraph 2 of this subparagraph and in addition to subparagraph (iii) of this paragraph, in Baltimore City, a holder of a Class A retail alcoholic beverages license may exercise the off-sale license privilege on the Sundays that fall between Thanksgiving Day and New Year's Day from 1 p.m. to 9 p.m.

2. The holder of a Class A retail off-sale license may exercise the additional privilege authorized by this subparagraph in any year in which a supplementary license fee of \$75 has been paid prior to October 1 for each day the additional privilege is to be exercised.

(iii) 1. The holder of a Class A retail alcoholic beverages license in Baltimore City may exercise the off-sale privilege on two additional Sundays during the calendar year.

2. A holder shall pay a license fee of \$75 at least 2 weeks before each time the privilege is exercised under this subparagraph.

(4) (i) This paragraph applies only in Baltimore County.

(ii) A Class B and a Class C beer and light wine or beer, wine and liquor licensee may sell alcoholic beverages at a bar or counter on Sunday.

(iii) Between the hours of 7 a.m. and 9 p.m., a holder of any class of retail off-sale alcoholic beverages license may exercise the off-sale license privilege on the Sunday preceding Christmas Day, the Sunday preceding New Year's Day, the Sunday preceding Rosh Hashanah, and the Sunday preceding Yom Kippur.

(iv) A holder of a Class A beer and light wine or beer, wine and liquor

license may exercise the off-sale license privilege on the 2 Sundays preceding Passover if:

1. That holder does not exercise the off-sale privilege on the 2 Saturdays preceding Passover;

2. The off-premises sales are conducted on those Sundays between the hours of 6 a.m. and 12 midnight; and

3. The sales are limited to alcoholic beverages that are “kosher for Passover”.

(5) In Caroline County a Class B and Class C beer or beer, wine and liquor licensee may sell alcoholic beverages at a bar or counter on Sunday.

(6) The prohibition specified in paragraph (1) of this subsection does not apply in Carroll County.

(7) In Prince George’s County, a Class B and Class C beer or beer, wine and liquor licensee may sell alcoholic beverages at a bar or counter on Sunday when December 24 and 31 fall on a Sunday.

(8) (i) In Washington County, except as provided in subparagraphs (ii) and (iii) of this paragraph, a Class A, Class B, and Class C on-sale licensee may sell alcoholic beverages on Sunday from 12 noon to 12 midnight.

(ii) A Class B and Class C on-sale licensee may sell alcoholic beverages on Sunday from 11 a.m. to 12 noon in Washington County if:

1. The consumer places an order for a meal simultaneously or before placing an order for an alcoholic beverage; or

2. The consumer is entitled to a meal on the licensed premises as part of a prearranged event.

(iii) When a federal holiday falls on a Monday, a Class A, Class B, Class C, or Class D on-sale licensee may sell alcoholic beverages from 12 noon on the immediately preceding Sunday to 2 a.m. on Monday.

(9) In Garrett County, Sunday sales, where permitted, are governed by subsection (b)(5) of this section, § 11-402 of this subtitle, and § 11-512 of this title.

(10) The prohibition specified in paragraph (1) of this subsection does not apply in Charles County.

(11) The prohibition specified in paragraph (1) of this subsection does not apply in Dorchester County.

(b) (1) (i) In the jurisdictions in which this subsection is applicable, it is unlawful for anyone to sell or for any licensed dealer to deliver, give away or otherwise dispose of any alcoholic beverages on Sunday.

(ii) Any person selling or any licensed dealer delivering, giving away or otherwise disposing of such beverages in such jurisdictions on Sundays is guilty of a misdemeanor and shall be fined not more than \$50 for the first offense and not more than \$100, or imprisoned in the county jail for not more than 30 days, or both for each succeeding offense.

(2) (i) This subsection is applicable to Caroline, Cecil, Garrett, except as provided in paragraph (5) of this subsection, Harford, Kent, Queen Anne's, except as provided in subparagraph (v) of this paragraph, Somerset, Talbot, and Worcester (except as otherwise provided) counties.

(ii) It does not apply to or affect special Class C licenses issued under the provisions of this article.

(iii) In Washington County this section:

1. Does not apply to any Class A, Class B, Class C, Class D, and any special Sunday license from the hours of 12 noon to 12 midnight;

2. Does not apply to Sunday sales when New Year's Eve or New Year's Day falls on a Sunday which is governed by § 11-402(w) of this article;

3. Provides that licensees selling alcoholic beverages on Sunday, except for holders of Class A light wine licenses for wineries, shall pay an annual fee of \$250 in addition to their annual license fee; and

4. Provides that licensees may purchase a 1 day on-sale license for Sunday sale of alcoholic beverages when New Year's Eve falls on a Sunday. The licensee shall pay a \$50 fee in addition to any other annual license fee.

(iv) In Kent County, the hours of sale on Sunday are as provided under § 11-515 of this article.

(v) This section does not apply to holders of alcoholic beverages retail dealer licenses issued in Queen Anne's County.

(vi) In Caroline County, on Sunday:

1. A Class A 7-day licensee may sell the alcoholic beverages authorized under the license from 8 a.m. to 12 midnight, except that if the sale of liquor is authorized under the license, liquor may only be sold from 1:00 p.m. to 12 midnight;

2. A Class C (clubs) beer, wine and liquor licensee may sell beer and wine:

liquor:

- A. From 12 midnight to 2 a.m.; and
- B. From 8 a.m. to 12 midnight;

3. A Class C (clubs) beer, wine and liquor licensee may sell

liquor:

- A. From 12 midnight to 2 a.m.; and
- B. From 1 p.m. to 12 midnight;

4. A Class C (clubs) beer licensee may sell beer from 8 a.m. to

12 midnight;

5. A Class D (taverns) beer, wine and liquor licensee may sell beer, wine, and liquor from 1 p.m. to midnight; and

6. A Class GC 7-day (golf course) beer, wine and liquor licensee may sell beer, wine, and liquor from 1 p.m. to 12 midnight.

(vii) Notwithstanding the other provisions of this section and § 11–508 of this title, in Cecil County it is lawful for Class C (on-sale) (clubs) beer, beer and light wine, or beer, wine and liquor licensees to permit the use and consumption of alcoholic beverages between the hours of 8 a.m. on Sunday and 2 a.m. the following day, and it is lawful for all classes of alcoholic beverage license holders to sell alcoholic beverages between 12 midnight and 2 a.m. on Sundays.

(viii) In Worcester County the prohibition of this section is not applicable to Class B beer, wine and liquor licenses regulated by the provisions of § 11–524 of this title.

(ix) Where the provisions of this section are in conflict with §§ 11–402 and 11–513 of this title for Harford County §§ 11–402 and 11–513 shall govern.

(x) For Somerset County the provisions of this section are subordinate to § 11–520 of this title.

(3) In Talbot County it is lawful for a Class A beer licensee and a Class B beer, wine and liquor licensee to sell beer between the hours of 8:00 a.m. and 10:00 p.m. on Sundays. Between the hours of 12:30 o'clock p.m. and 10:00 o'clock p.m. on Sundays, it is lawful for a Class B or C beer licensee to sell beer and for a Class B or C beer, wine and liquor licensee to sell beer, wine and liquor, provided that these alcoholic beverages are consumed on the premises.

(4) In Allegany County, Sunday sales when New Year's Eve or New Year's Day falls on a Sunday are governed by § 11–402(b) of this subtitle.

(5) (i) This paragraph applies only in Garrett County.

(ii) When New Year's Eve or New Year's Day falls on a Sunday, sales shall be governed by § 11-402(m) of this subtitle.

(iii) Provisions for Sunday sales for Class B and C licensees are governed by § 11-512(c) of this title.

§11-501.

(a) In Allegany County, any person having a license under this article may not sell intoxicating beverages between the hours of 2 a.m. and 7:00 o'clock a.m. except as provided in subsection (b) of this section, it shall be unlawful after 2:00 a.m. Sunday to sell intoxicating beverages until 7:00 o'clock a.m. Monday. However, Sunday sales when New Year's Eve or New Year's Day falls on Sunday shall be governed by § 11-402(b) of this article.

(b) (1) In Allegany County, notwithstanding any other provisions of this subtitle, holders of Class B and Class D licenses which are restaurants as defined in paragraph (2) of this subsection, holders of Class B licenses which are issued for use in a restaurant or banquet room located within a hotel or motel as provided under § 6-201(b) of this article, and holders of Class C licenses, may, if they pay an additional fee of \$250, sell alcoholic beverages for consumption on the premises only on Sunday between the hours of 1 p.m. and 2 a.m. Monday.

(2) Except as provided for under § 6-201(b) of this article, for purposes of this subsection, in Allegany County, "restaurant" means any establishment located in a permanent building with ample space and accommodations commonly known as a restaurant where meals are usually prepared, sold or served to the public during the hours it is regularly open for business.

(c) (1) In Allegany County, the Board of License Commissioners may issue a 2-day Sunday sales permit to a holder of any alcoholic beverages license other than a Class A license.

(2) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(3) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for consumption on the premises on not more than two Sundays in a year between the hours of 1 p.m. Sunday and 2 a.m. the following Monday.

(4) The permit fee is \$50 for each time the permit is used.

(d) In Allegany County, notwithstanding any other provisions of this section, the hours for the sale of alcoholic beverages under an entertainment facility license or an entertainment concessionaire license are the same as the hours of operation for a video lottery facility established under § 9-1A-23(a) of the State Government Article.

§11-502.

In Anne Arundel County, notwithstanding any other provisions in this subtitle, the following restrictions, limitations, and regulations are in effect:

(a) The hours during which sales of alcoholic beverages may be made under all Class A, B, C, D, H, and special class licenses from 6 a.m. until 2 a.m. of the day following, except that no licensed premises shall be permitted to sell alcoholic beverages at any time on Sunday without a special Sunday license.

(b) (1) Licensed premises may not remain open to the public or to private persons or parties for any purpose for more than 15 minutes after the hours and days for sales set forth in this section, even though no sales are made after the hours of closing.

(2) However, license commissioners may permit certain licensees to sell food or other nonalcoholic items until a specified hour, if:

(i) The licensee proves to the satisfaction of the Board of License Commissioners that suitable precautions have been taken to prevent the sale or consumption of alcoholic beverages on the licensed premises after the hours of closing; and

(ii) The applicant licensee holds:

1. A Class B license;
2. A special motel/hotel-restaurant complex license, as set out in § 8-202(i) of this article;
3. A Class A license and has retail sales of alcoholic beverages which do not exceed 25 percent of the licensee's total retail volume; or
4. A Class H license.

(3) Permission shall be evidenced by a suitable license issued by the Board of License Commissioners.

(4) The annual fee is \$10.

(5) Any violation of this subsection shall incur the same penalty as a violation for making a sale of alcoholic beverages after hours.

(c) The hours established in this article for the sale of alcoholic beverages in Anne Arundel County are hereby declared to be in accordance with Eastern Standard Time on the last Sunday of October in each year.

(d) Notwithstanding the provisions of other sections of this Code, sales may be

made on Sundays by the holder of a special Sunday license according to the terms thereof.

(e) The hours during which sales of alcoholic beverages may be made under a “race track license” shall be from 2 hours preceding the running of any authorized race until 2 hours after the running of any authorized race, and not otherwise.

(f) The provisions of this section shall apply to the first, second, third, fourth, fifth, seventh and eighth election districts of Anne Arundel County only.

(g) In the City of Annapolis the Mayor, Counselor and Aldermen shall have the power to fix the hours of sale of the licenses authorized to be issued in said City.

(h) The Board of License Commissioners for Anne Arundel County may permit any bowling alley holding a Class B or Class D license, with 20 lanes or more, to stay open for bowling and serving food until a specified hour; provided, however, that all alcoholic beverages be kept under lock and key between the hours of 2:00 a.m. and 6:00 a.m. No person under the age of 18 is allowed on the premises between the hours of 2:00 a.m. and 6:00 a.m., unless accompanied by spouse, parent or guardian.

(i) Despite any other provisions of this Code, in Anne Arundel County, whenever a special Class C license is issued under the provisions of § 7-101 of this article, holders of wholesale licenses may agree with the holder of a special Class C license to deliver beer on the effective date of the license and accept returns on the same day.

(j) The hours for the sale of alcoholic beverages under an entertainment facility license or an entertainment concessionaire license are the same as the hours of operation for a video lottery facility established under § 9-1A-23 of the State Government Article.

§11-503.

(a) In Baltimore City an amusement license shall authorize the holder thereof to keep for sale and sell all alcoholic beverages at all hours except between the hours of 2 o'clock a.m. and 6 o'clock a.m. of each day.

(b) (1) Except as provided in paragraph (2) of this subsection and § 11-304(d)(3)(iii) of this title, no sales shall be allowed by the holder of a Class D, beer, wine and liquor license (without amusement permit) between the hours of 1 a.m. on Sunday and 6 a.m. the following day.

(2) (i) The Board may issue a supplemental license no more than four times during any calendar year to a holder of a Class D beer, wine and liquor license authorizing the holder to sell alcoholic beverages between the hours of 6 a.m. on Sunday and 1 a.m. the following day.

(ii) The fee for the supplemental license is \$75 per issuance, which

fee is in addition to the annual fee for the underlying Class D beer, wine and liquor license.

(iii) A holder of a supplemental license under this paragraph shall notify the Board at least 2 weeks in advance of exercising the privileges under the supplemental license.

§11-505.

In Calvert County, licensees may sell alcoholic beverages authorized by their licenses between the hours of 6 a.m. and 2 a.m. of the next day, Monday through Sunday, inclusive.

§11-506.

Notwithstanding any other provision of this subtitle, in Caroline County the following licensees may sell alcoholic beverages from 6 a.m. to 2 a.m. the following day, on Monday through Sunday:

- (1) Class B and C beer;
- (2) Class H beer and light wine;
- (3) Class B beer, wine and liquor (7 day); and
- (4) Class C beer, wine and liquor.

§11-507.

- (a) This section applies only in Carroll County.
- (b) (1) The following restrictions, limitations, and regulations apply.

(2) (i) Holders of “on-sale” licenses authorized under this article may sell, offer for sale, or dispense alcoholic beverages between 8 a.m. and 1 a.m. the following day and no other hours. Holders of these licenses may not sell, offer to sell or dispense any alcoholic beverages on Sunday except:

1. When the holder of that license is open for business on Saturday at midnight the licensee may remain open until 1 a.m. the Sunday immediately following;

2. Holders of Class C and H beer, wine and liquor licenses may reopen and may sell alcoholic beverages on Sundays between 11 a.m. and 1 a.m. the following Monday;

3. Holders of Class B beer, wine and liquor licenses may reopen and may sell alcoholic beverages on Sundays between 11 a.m. and 1 a.m. the following Monday; and

4. Holders of Class B beer and light wine, 7-day licenses may conduct “on-sales” of alcoholic beverages on Sundays between 11 a.m. and 1 a.m. the following Monday.

(ii) In all cases in which a closing time is indicated in this subsection a licensee may not permit the drinking of any alcoholic beverage on the premises 15 minutes following the closing time indicated.

(3) (i) Holders of Class A “off-sale” licenses under this article may sell, offer for sale, or dispense the beverages defined in this article between 8 a.m. and 11 p.m. every day of the week.

(ii) Holders of Class B beer and light wine, 7-day licenses may conduct “off-sales” of alcoholic beverages only between 8 a.m. and 11 p.m. on Monday through Saturday, and between 11 a.m. and 11 p.m. on Sunday.

(4) A Class A wine licensee may sell wine on Sundays.

(5) The hours established in this subtitle for the sale of alcoholic beverages in Carroll County are hereby declared to be in accordance with Eastern Standard Time when such time is effective and the hours are declared to be in accordance with daylight time when such time is effective.

§11-508.

(a) (1) (i) This paragraph does not apply to a Class EF license issued under § 6-201 of this article.

(ii) In Cecil County, notwithstanding any other provisions of this subtitle, the hours during which sales of any alcoholic beverages may be made under any class of license issued under this article on any day, Monday through Saturday, are from 6 a.m. to 2 a.m. the following day.

(iii) It is unlawful for any person to sell or for any person to consume any alcoholic beverages on any premises licensed under this article between the hours of 2 a.m. and 6 a.m. on any day of the week or at any time on Sunday between 2 a.m. and 8 a.m.

(2) Subject to paragraph (3) of this subsection, it is lawful for a licensee in Cecil County to sell alcoholic beverages authorized by its license on Sunday during the following hours:

(i) For a Class A, B, BLX, OR C license, between 8 a.m. and 2 a.m. the following day; and

(ii) For a Class D license, between 1 p.m. and 2 a.m. the following day.

(3) (i) Except for a holder of a Class BLX, EF, OR C beer, wine and liquor license, a licensee who seeks to sell alcoholic beverages within the times allowed under paragraph (2) of this subsection must first pay an additional license fee of \$500.

(ii) “On-sales” may be conducted within the times allowed under paragraph (2) of this subsection and § 6–201 of this article only by a licensee who is:

1. A restaurant, as defined under subsection (b) of this section;
2. A holder of a Class BLX beer, wine and liquor license;
3. A holder of a Class C license; or
4. A holder of a Class EF license.

(b) For the purpose of subsection (a) of this section, “restaurant” means a business establishment for the accommodation of the public:

(1) That is fully equipped with a proper and adequate dining room and with sufficient facilities for preparing and serving meals;

(2) That has been approved by the Board of License Commissioners of Cecil County; and

(3) Wherein the average annual receipts from the sale of food comprise at least 25% of the average receipts of the business.

§11–509.

(a) (1) This section applies only in Charles County.

(2) Notwithstanding any other provisions of this subtitle, the hours of sale for alcoholic beverages shall be as follows:

- (i) Monday, 6 a.m. to Tuesday, 2 a.m.
- (ii) Tuesday, 6 a.m. to Wednesday, 2 a.m.
- (iii) Wednesday, 6 a.m. to Thursday, 2 a.m.
- (iv) Thursday, 6 a.m. to Friday, 2 a.m.
- (v) Friday, 6 a.m. to Saturday, 2 a.m.
- (vi) Saturday, 6 a.m. to Sunday, 2 a.m.
- (vii) Sunday, 6 a.m. to Sunday, midnight.

(3) An alcoholic beverages licensee may sell nonalcoholic items on:

(i) Monday through Saturday, from 5 a.m. to 2 a.m. the next day;
and

(ii) Sunday, from 6 a.m. to midnight.

(b) It is unlawful for any licensee, his agent or employee, to sell any alcoholic beverages on any day between the hours of 2 o'clock a.m. and 6 o'clock a.m. and that part of any premises where alcoholic beverages are sold or displayed shall be open only during the hours of sale for alcoholic beverages set out in subsection (a) of this section. In the case of any on-sale class of license, all bottles and containers must be removed from the table on or before the hours of closing indicated in subsection (a) of this section. It is unlawful to sell any alcoholic beverages between midnight, Sunday, and 6 o'clock a.m. Monday.

(c) The hours established in this section for the sale of alcoholic beverages are hereby declared to be in accordance with Eastern Standard Time whenever such time is in effect or in accordance with daylight time whenever such time is in effect. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon trial and conviction shall be subjected to a fine of not less than fifty dollars (\$50.00) nor more than two hundred and fifty dollars (\$250.00), or may be confined in the county jail or in the house of correction for not less than sixty days, or both, in the discretion of the court.

§11-510.

(a) This section applies only in Dorchester County.

(b) Notwithstanding any other provisions of this subtitle, the hours for sale for alcoholic beverages are as follows:

(1) For the holders of a Class A (off-sale) beer license, sales are permitted Monday through Sunday from 6 a.m. to 12 midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from 6 a.m. on Sunday to 2 a.m. on Monday.

(2) For the holders of a Class B (on-sale) beer license, sales are permitted:

(i) Monday through Saturday from 6 a.m. to 1:45 a.m. on the following day; and

(ii) Sunday from 12 noon to 12 midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from 12 noon to 2 a.m. the following day.

(3) For the holders of a Class B (on- and off-sale) beer and light wine license sales are permitted as follows:

(i) (On- and off-sale) is permitted on Monday through Saturday from 6 a.m. to 1:45 a.m. the following day; and

(ii) (On- and off-sale) is permitted on Sunday from 10 a.m. to midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from 10 a.m. to 2 a.m. the following day.

(4) For the holders of a Class C (on-sale) beer license sales are permitted:

(i) Monday through Saturday from 10 a.m. to 1:45 a.m. the following day; and

(ii) Sunday from 12 noon to 12 midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from 12 noon to 2 a.m. the following day.

(5) For the holders of a Class D (on-sale) beer license sales are:

(i) Permitted Monday through Saturday from 6 a.m. to 1:45 a.m. on the following day; and

(ii) Permitted on Sunday from 12 noon through 12 midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from 12 noon to 2 a.m. the following day.

(6) For the holders of a Class B (on-sale) beer, wine and liquor license sales are permitted:

(i) Monday through Saturday from 7 a.m. through 1:45 a.m. the following day; and

(ii) Sunday from 10 a.m. through 12 midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from 10 a.m. to 2 a.m. the following day.

(7) For the holders of a Class C (on-sale) beer, wine and liquor license sales are permitted:

(i) Monday through Saturday from 10 a.m. through 1:45 a.m. the following day; and

(ii) Sunday from 12 noon through 12 midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from 12 noon to 2 a.m. the following day.

(8) For the holders of a Class 6 pub-brewery license, sales are permitted:

(i) Monday through Saturday from 7 a.m. through 1:45 a.m. the following day; and

(ii) Sunday from 12 noon through 12 midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from 12 noon through 2 a.m. the following day.

(9) For the holders of a Class A light wine license, sales are permitted:

(i) Monday through Saturday from 6 a.m. through 1 a.m. the following day; and

(ii) Sunday from 12 noon through 12 midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from 12 noon through 2 a.m. the following day.

(10) For the holders of a Class A beer and light wine license, sales are permitted:

(i) Monday through Saturday from 6 a.m. through midnight; and

(ii) Sunday from 6 a.m. through midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from 6 a.m. through 2 a.m. the following day.

(11) For the holders of a Class C beer and light wine license, sales are permitted:

(i) Monday through Saturday from 6 a.m. through 1:45 a.m. the following day; and

(ii) Sunday from noon through midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from noon through 2 a.m. the following day.

(12) For the holders of a Class D beer and light wine license, sales are permitted:

(i) Monday through Saturday from 6 a.m. through 1:45 a.m. the following day; and

(ii) Sunday from noon through midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from noon through 2 a.m. the following day.

(13) For the holders of a Class A beer, wine and liquor license, sales are permitted:

(i) Monday through Saturday from 6 a.m. through midnight; and

(ii) Sunday from 6 a.m. through midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from 6 a.m. through 2 a.m. the following day.

(14) For the holders of a Class D beer, wine and liquor license, sales are allowed:

(i) Monday through Saturday from 6 a.m. through 1:45 a.m. the following day; and

(ii) Sunday from noon through midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from noon through 2 a.m. the following day.

- (c) (1) On-sale consumption of alcoholic beverages is allowed:
 - (i) Until 2 a.m.; or
 - (ii) If Christmas Eve or New Year's Eve is on a Sunday, until 3 a.m. the following day.

(2) At the time consumption of alcoholic beverages must end under paragraph (1)(i) or (ii) of this subsection, all tables and bar areas must be cleared of alcoholic beverages.

§11-511.

- (a) This section applies only in Frederick County.
- (b) This section does not apply to holders of Class E licenses.
- (c) (1) Notwithstanding any other provision of this subtitle, the privilege conferred by every class of "on-sale" license may be exercised during the hours from 6 a.m. to 2 a.m. daily, except Sundays.
 - (2) On Sundays the hours are:
 - (i) On-sale:
 - 1. From 11 a.m. to 2 a.m.; or
 - 2. For a specific event that the Board of License Commissioners has approved, the hours for the event that are set by the board; and
 - (ii) Off-sale – 1 p.m. to 2 a.m.
- (d) (1) A Class A wine licensee may sell wine on Sundays.
 - (2) (i) The Board of License Commissioners may grant a special Sunday opening permit to a Class A beer, wine and liquor (off-sale) licensee.
 - (ii) The special Sunday opening permit authorizes the holder to sell beer, wine and liquor for off-premises consumption on Sundays from 11 a.m. to 2 a.m. the following day.
 - (iii) The annual fee for the special Sunday opening permit is \$650 in addition to the annual fee for the Class A beer, wine and liquor (off-sale) license.
 - (iv) The special Sunday opening permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the existing Class A beer, wine and liquor license.
 - (3) (i) The Board of License Commissioners may grant a special Sunday

opening permit to a Class A beer and wine (off-sale) licensee.

(ii) The special Sunday opening permit authorizes the holder to sell beer and wine for off-premises consumption on Sundays from 11 a.m. to 2 a.m. the following day.

(iii) The annual fee for the special Sunday opening permit is \$140 in addition to the annual fee for the Class A beer and wine (off-sale) license.

(iv) The special Sunday opening permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the existing Class A beer and wine license.

(4) (i) The Board of License Commissioners may grant a special Sunday opening permit to a Class A beer (off-sale) licensee.

(ii) The special Sunday opening permit authorizes the holder to sell beer for off-premises consumption on Sundays from 11 a.m. to 2 a.m. the following day.

(iii) The annual fee for the special Sunday opening permit is \$100 in addition to the annual fee for the Class A beer (off-sale) license.

(iv) The special Sunday opening permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the existing Class A beer license.

§11-512.

(a) This section applies only in Garrett County.

(b) (1) Notwithstanding any other provisions of this subtitle and except on Sundays and New Year's Day, holders of any class of on- or off-sale licenses issued under this article may sell the alcoholic beverages authorized under their respective license from 6 a.m. to 2 a.m. the following day, but may not sell alcoholic beverages between the hours of 2 a.m. and 6 a.m. on any day of the week or, unless authorized under subsection (c) or (d) of this section, at any time on Sunday after 2 a.m.

(2) The provisions of this subsection apply to a holder of a Class E steamboat license issued by the State Comptroller's Office for use on all State waters located within the county.

(3) However, this section is subject to the provisions of § 11-402(m) of this title regarding sales on New Year's Eve or New Year's Day regardless of the day of the week on which December 31 and January 1 fall.

(c) (1) The provisions of this subsection apply in:

(i) Election districts 11 and 15, in which the voters approved Sunday

sales in the referendum authorized by law in November 1996; and

(ii) Any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this subsection.

(2) This subsection only applies to on-premises sales by:

(i) A holder of a Class C service club license;

(ii) A holder of a Class B license or special Class C license; and

(iii) A holder of a Class D license operating an establishment that:

1. Is in a permanent building;

2. Has a seating capacity at tables, not including seats at bars or counters, for at least 20 persons;

3. Is equipped with a full-service commercial kitchen capable of preparing and serving full-course meals for at least 20 persons at one seating; and

4. Is approved by the county Board of License Commissioners, Department of Public Utilities, Health Department, and Planning and Land Development Office.

(3) Sunday sales may begin, where permitted, at 1 p.m. and continue until 10 p.m.

(4) In addition to the usual license fee, the holder of a Class C service club license, Class B license, or Class D license who wants to provide Sunday sales and who is otherwise eligible to provide Sunday sales under this subsection shall pay an additional \$250 for the privilege of Sunday sales.

(5) At the time the Class C service club license, Class B license, or Class D license is issued, the Board shall charge a \$250 issuing fee.

(d) (1) The provisions of this subsection apply in an election district or a precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this subsection.

(2) (i) Subject to subparagraph (ii) of this paragraph, this subsection applies only to off-premises sales by:

1. A holder of a Class A license;

2. A holder of a Class B license;

3. A holder of a special Class C license; and

4. A holder of a Class D license.

(ii) A holder of a license listed in subparagraph (i) of this paragraph may sell alcoholic beverages for consumption off the licensed premises on a Sunday if the license holder is authorized to sell alcoholic beverages for consumption off the licensed premises for the underlying license.

(3) Sunday sales may begin, where authorized, at 1 p.m. and continue until 10 p.m.

(4) (i) This paragraph does not apply to a holder of a special Class C license.

(ii) In addition to the usual license fee, the holder of a Class A license, Class B license, or Class D license who wants to provide Sunday sales and who is otherwise eligible to provide Sunday sales under this subsection shall pay an additional \$250 for the privilege of Sunday sales.

(iii) At the time the Class A license, Class B license, or Class D license is issued, the Board shall charge a \$250 issuing fee.

§11-513.

(a) The provisions of this section apply in Harford County only.

(b) (1) A licensee may sell, offer for sale, or dispense alcoholic beverages:

(i) On Monday through Sunday; and

(ii) Only between 8 a.m. and 2 a.m. the following morning.

(2) During a baseball game only, a licensee who holds a stadium on-sale license under § 8-213.1 of this article may not sell alcoholic beverages:

(i) After the beginning of the eighth inning; or

(ii) During a doubleheader game, after the beginning of the sixth inning of the second game.

(c) A licensee may not:

(1) Allow alcoholic beverages to be consumed on the licensee's premises after 2:15 a.m. or before 8:00 a.m. the same morning; or

(2) Allow alcoholic beverages glasses, bottles, or containers to remain on tables or serving counters after 2:30 a.m.

§11–514.

(a) Except as otherwise stipulated by the Howard County Board of License Commissioners, in Howard County holders of:

(1) Any Class A, B, C, or D license may sell alcoholic beverages authorized by their license between the hours of 6 a.m. and 2 a.m. of the next day, Monday through Saturday, inclusive.

(2) A 7 day Class A, 7 day Class D, or any Class B or C license may sell beer, wine, and liquor between 6 a.m. Sunday and 2 a.m. Monday.

(3) A 7–day Class GC license may sell beer, wine and liquor from 6:30 a.m. to 2 a.m. the next day, Monday through Sunday, inclusive.

(b) (1) The provisions of this section do not apply to sales made pursuant to § 11–402(o) of this article.

(2) The provisions of §§ 11–301, 11–302, and 11–303 of this article do not apply in Howard County.

§11–515.

(a) This section applies only in Kent County.

(b) This section does not apply to any special or temporary license issued under § 7-101 of this article.

(c) Any class of retail on- or off-sale alcoholic beverages license issued by the Board of License Commissioners authorizes the holder to sell alcoholic beverages:

(1) On Monday through Friday from 6 a.m. to 2 a.m. the following day;

(2) On Saturday from 6 a.m. to 1 a.m. the following day; and

(3) On Sunday:

(i) For a Class A license, from 9 a.m. to 2 a.m. the following day;

(ii) For a Class B license, from 9 a.m. to 12 midnight (off-sale for beer and wine only);

(iii) For a Class C license, from 9 a.m. to 12 midnight; or

(iv) For a Class D license, from 9 a.m. to 2 a.m. (off-sale for beer and wine only).

§11-515.1.

(a) (1) In Kent County, the Board of License Commissioners may grant a special Sunday (on-sale) beer, wine and liquor license privilege.

(2) This license privilege may be granted only to a holder of a Class B (on-sale) beer, wine and liquor license for use on the premises that qualify as a restaurant under § 6-201(p) of this article.

(3) This license privilege authorizes the holder to serve beer, wine and liquor on the restaurant premises on Sundays from 12 noon to 12 midnight without being subject to the meal and seating restrictions provided under § 6-201(p) of this article.

(4) The annual fee for this license privilege is \$100 in addition to the annual fee for the Class B (on-sale) beer, wine and liquor restaurant license.

(5) This license privilege is not considered a separate class of license, and if it is granted, the privilege will be incorporated in the existing Class B (on-sale) beer, wine and liquor restaurant license.

(b) (1) The Kent County Board of License Commissioners may grant 5 special Sunday (on-sale) beer, wine and liquor licenses to each holder of a Class C beer, wine and liquor license who applies.

(2) No more than 5 special Sunday licenses shall be issued to a holder during the Class C license year.

(3) This license authorizes the holder to serve beer, wine and liquor on the Class C premises from 7 a.m. to 12 midnight for consumption on the premises.

(4) The fee for each license is \$15.

(5) The provisions of law under § 9-102 of this article prohibiting the issuance of 2 licenses for the same premises do not apply to this license.

(6) The Board of License Commissioners shall adopt regulations to implement this subsection.

§11-516.

(a) In Montgomery County, notwithstanding any other provisions of this subtitle, a holder of an alcoholic beverage license may not sell any alcoholic beverages:

(1) Between the hours of 1 a.m. and 10 a.m. on Sunday, except holders of Class A (off-sale) beer licenses and Class A (off-sale) beer and light wine licenses and Class C, beer, wine and liquor licenses; Class B and Class D beer licenses and Class B and Class D beer and light wine licenses; and

(2) Between the hours of 3 a.m. and 10 a.m. on Sunday, except holders of Class B–BWL, Class B–BWL (H–M), and Class D beer, wine and liquor licenses.

(b) (1) The privileges conferred by a Class C beer, wine and liquor license (on-sale - generally) may be exercised from 6 a.m. to 2 a.m. on the day following, except that a sale may not be made on Sunday between the hours of 2 a.m. and 10 a.m.

(2) (i) This paragraph applies only to Class C beer, wine and liquor licenses issued pursuant to § 6-301(q)(4) of this article.

(ii) The hours during which this license may be exercised are from 11 a.m. of one day to 1 p.m. the following day.

(3) (i) This paragraph applies only to Class C beer, wine and liquor licenses issued pursuant to § 6-301(q)(5) and (6) of this article.

(ii) On Mondays through Saturdays, alcoholic beverages may not be sold, served, or consumed on the licensed premises before 11 a.m. or after 1 a.m. the following day. Alcoholic beverages may not be sold, served, or consumed on the licensed premises on Sundays between 1 a.m. and 12 noon.

(c) The privileges conferred by a Class B beer, wine and liquor license (on-sale generally), a Class B beer, wine and liquor (H–M) license, and a Class D beer, wine and liquor (on-sale) license may be exercised during the following hours, provided that the licensed establishment sells or makes available food for consumption on the premises during the hours that alcoholic beverages are permitted to be served:

(1) From 9 a.m. to 2 a.m. the following day, on Monday, Tuesday, Wednesday, and Thursday;

(2) From 9 a.m. to 3 a.m. the following day, on Friday and Saturday;

(3) From 10 a.m. to 3 a.m. the following day, on Sunday when the following day has been designated by the federal government as one of the following holidays:

(i) Washington’s Birthday;

(ii) Memorial Day;

(iii) Independence Day;

(iv) Labor Day;

(v) Veterans Day; or

(vi) Christmas; or

(4) From 10 a.m. to 2 a.m. the following day, on a Sunday that is not referenced in item (3) of this subsection.

(d) (1) The privileges conferred on a Class A (off-sale) beer license and Class A (off-sale) beer and light wine license may be exercised from 6 a.m. to 1 a.m. the day following for every day including Sunday.

(2) The privileges conferred on a Class B and Class D beer license and the privileges conferred on a Class B and Class D beer and light wine license may be exercised from 6 a.m. to 1 a.m. the day following for every day including Sunday for off sale.

§11-517.

(a) This section applies only in Prince George's County.

(b) (1) (i) A holder of any retail "on-sale" alcoholic beverage license or any agent, servant or employee of a holder of any "on-sale" alcoholic beverage license may not sell or serve any alcoholic beverages for consumption on the licensed premises or permit any alcoholic beverages to be consumed on the licensed premises between the hours of 2:00 a.m. and 6:00 a.m., except as provided in subsection (c) of this section.

(ii) Holders of any "on-sale" retail alcoholic beverage license, their agents, servants, or employees may sell beer and light wine on Sunday for consumption on the licensed premises, except between the hours of 2:00 a.m. and 8:00 a.m.

(iii) Subject to paragraph (2) of this subsection, a holder of any Class B restaurant license, with or without an on-sale Sunday permit that authorizes the holder to sell liquor by the glass, may sell beer, wine and liquor on Sunday when it falls on Christmas Eve or New Year's Eve, except between the hours of 2:00 a.m. and 8:00 a.m.

(2) (i) Subject to subparagraph (ii) of this paragraph, a holder of a Class A retail "off-sale" alcoholic beverages license or a Class B or D alcoholic beverages license with off-sale privileges, or any agent, servant or employee of the holder, may not sell any alcoholic beverages for consumption off the licensed premises between the hours of 12:00 a.m. and 6:00 a.m.

(ii) A holder of a Class A beer, wine and liquor license or any agent, servant or employee of a holder of a Class A beer, wine and liquor license may not make any sale on Sunday after 12:00 a.m. unless:

1. December 24 and 31 fall on a Sunday; or
2. The holder of a Class A beer, wine and liquor license holds a special Sunday off-sale permit under subsection (l) of this section.

(c) Notwithstanding any other provisions of this article, if a Class B on-sale licensee has live entertainment within the licensed premises on Friday, or Saturday nights, the licensee may sell or serve alcoholic beverages for consumption on the licensed premises, in accordance with his license, between the hours of 6:00 a.m. and

3:00 a.m. of the following day.

(d) (1) Notwithstanding the provisions of § 11-304 of this article, between the hours of 2:00 a.m. and 6:00 a.m. on any day, a person may not consume any alcoholic beverages on any premises open to the general public, any place of public entertainment, any premises occupied regularly by a private club or organization, or any place at which setups or other component parts of mixed alcoholic drinks are sold directly or indirectly, except as provided in subsection (c) of this section.

(2) (i) Any person found consuming any alcoholic beverage within these premises or in any place during the hours specified is guilty of a misdemeanor and upon conviction fined not more than \$50 and not less than \$5.

(ii) The owner, operator, manager, waiter, server or employee of any of these premises or places may not knowingly permit this consumption on those premises or in that place during the hours specified. Any owner, operator, manager, waiter, server or employee of any of these premises or places who knowingly permits this consumption during the hours specified is guilty of a misdemeanor and upon conviction is subject to the penalties provided in § 16-503 of this article.

(e) The holder of a Class A (off-sale) license who offers for sale in his licensed premises commodities other than alcoholic beverages and is open on Sundays for the sale of such commodities shall keep all alcoholic beverages upon the premises in a separate beverage department securely closed and locked in a compartment, compartments or enclosure between the hours of 12:00 a.m. on Sunday and 6:00 a.m. the following Monday, subject to regulations of the Board of License Commissioners not inconsistent with the provisions hereof. The provisions of this subsection do not apply to alcoholic beverages in storage areas which are not open to the public.

(f) (1) (i) Except as provided in subsection (l) of this section and subparagraph (ii) of this paragraph, the holder of a Class B beer, wine and liquor license, and an agent, a servant, or an employee of a holder of a Class B beer, wine and liquor license may not sell any alcoholic beverages for consumption off the licensed premises between the hours of 12:00 a.m. and 6:00 a.m. or on Sunday after 12:00 a.m. from any separate store established on the licensed premises as an "off-sale store" or to keep an "off-sale store" open for business on Sunday after 12:00 a.m.

(ii) Beer and light wine only may be sold from an "off-sale" store which is attached to and a part of the licensed premises on Sunday after 8:00 a.m. until 12:00 a.m. the day following.

(2) For the purposes of this subsection, the Board of License Commissioners shall determine by reasonable standards what shall constitute an "off-sale store".

(3) Nothing further herein shall be construed to permit sales at any time between 12:00 a.m. and 6:00 a.m. of any day.

(g) Notwithstanding any other provisions of this article, the holder of:

(1) A special Class C (concession) license pursuant to § 6–301(r)(7) of this article may sell alcoholic beverages on Sundays between the hours of 12 noon and 2 a.m. the following day;

(2) A special Class C (fraternal/sororal) license pursuant to § 6–301(r)(3) of this article may not sell, serve, or permit alcoholic beverages to be consumed on the licensed premises on Sundays before 12 noon or after 2 a.m. the following day; or

(3) A special Class C (yacht) license pursuant to § 6–301(r)(4) of this article may not sell, serve, or permit alcoholic beverages to be consumed on the licensed premises on Sunday before 12 noon or after 12 midnight.

(h) (1) Notwithstanding any other provisions of this article, the holder of a wholesale license may enter into an agreement with the holder of a special 1 day license issued pursuant to § 7–101 of this article to deliver beer on the effective day of the license and accept returns on the same day of delivery.

(2) The parties shall agree upon the type of equipment, services, personnel, and supplies that shall be required for the dispensing of draft beer.

(i) (1) In the 24th alcoholic beverages district of Prince George’s County as described in § 9–217(l) of this article, notwithstanding any other provision of this article, the Board of License Commissioners may change the closing hour and reduce the hours of sale of any licensee, under any class of alcoholic beverages license:

(i) On receipt of a bona fide complaint concerning the licensed premises; and

(ii) After a hearing on the complaint.

(2) A decision of the Board of License Commissioners made under this subsection may be appealed as provided under § 16–101 of this article.

(j) (1) In the 25th alcoholic beverages district of Prince George’s County as described in § 9–217(l) of this article, notwithstanding any other provision of this article, the Board of License Commissioners may change the closing hour and reduce the hours of sale of any licensee, under any class of alcoholic beverages license:

(i) On receipt of a bona fide complaint concerning the licensed premises; and

(ii) After a hearing on the complaint.

(2) A decision of the Board of License Commissioners made under this subsection may be appealed as provided under § 16–101 of this article.

(k) (1) This subsection applies only to Class B–DH (draffhouse) licenses.

(2) On Saturdays, Sundays, and holidays, the hours for sale are from 5 p.m. until 1:30 a.m. the following day.

(3) If a family matinee continues beyond 5 p.m., alcoholic beverages may not be served until 15 minutes following the end of the matinee.

(4) Except for holidays which are governed by paragraph (2) of this subsection, on weekdays the hours for sale are from 11 a.m. until 1:30 a.m. the following day.

(l) (1) There is a special Sunday off–sale permit.

(2) Subject to paragraph (3) of this subsection and except as provided in paragraphs (4) and (5) of this subsection, the Board of License Commissioners may issue the permit to the holder of:

(i) A Class A beer, wine and liquor license; or

(ii) A Class B beer, wine and liquor license with an off–sale privilege under § 6–201(r)(2)(ii) of this article.

(3) Not more than 100 special Sunday off–sale permits may be in effect at any one time.

(4) (i) This paragraph applies to a holder of a license listed in paragraph (2) of this subsection that was issued the license before July 1, 2015.

(ii) If the holder of a license has been found by the Board of License Commissioners to have violated a restriction on selling liquor on Sunday, the Board of License Commissioners may not issue a special Sunday off–sale permit to the holder before:

1. January 1, 2016, if the holder:

A. Committed only one violation between July 1, 2014, and June 30, 2015, both inclusive; and

B. Did not commit a violation of a restriction on selling liquor on Sunday between July 1, 2013, and June 30, 2014, both inclusive; or

2. July 1, 2016, if the holder committed at least two violations between July 1, 2013, and June 30, 2015, both inclusive.

(5) The Board of License Commissioners may not issue a special Sunday off–sale permit to a holder of a license listed in paragraph (2) of this subsection that was found by the Board of License Commissioners to have violated a restriction on selling

liquor on Sunday without a special Sunday off-sale permit on or after July 1, 2015.

(6) (i) Except as provided in subparagraph (ii) of this paragraph, an applicant for a special Sunday off-sale permit shall commit in the application to reinvesting a minimum of \$50,000 in the business within 1 year after the permit is issued.

(ii) The Board of License Commissioners may waive the reinvestment requirement.

(iii) The Board of License Commissioners shall revoke a special Sunday off-sale permit if:

1. The Board of License Commissioners did not waive the reinvestment requirement under subparagraph (ii) of this paragraph; and

2. The holder of the special Sunday off-sale permit fails to make the required reinvestment.

(7) The permit authorizes the sale of alcoholic beverages that the holder is authorized to sell:

(i) On Sunday, from 8 a.m. to midnight; and

(ii) For consumption off the licensed premises only.

(8) If the holder of a Class B beer, wine and liquor license with an off-sale privilege is issued a special Sunday off-sale permit, the holder is no longer required to comply with any restaurant or food requirements.

(9) The application fee for a special Sunday off-sale permit is \$750.

(10) (i) The annual permit fee for the special Sunday off-sale permit is:

1. For the holder of a Class A beer, wine and liquor license, \$2,590; and

2. For the holder of a Class B beer, wine and liquor license with an off-sale privilege, \$1,080.

(ii) The annual permit fee listed in subparagraph (i) of this paragraph is in addition to the annual fee for the Class A beer, wine and liquor license or Class B beer, wine and liquor license to which it is attached.

(11) The Board of License Commissioners may adopt regulations to carry out this subsection.

§11-518.

Holders of all classes of retail alcoholic beverages licenses in Queen Anne's County may exercise their license privileges on Sunday from 8 a.m. until the closing hour permitted by that class of license during any other day of the week.

§11-519.

In St. Mary's County, notwithstanding any other provision of this article, the hours during which a liquor licensee may sell those alcoholic beverages for which he is licensed shall be from 6 o'clock a.m. to 2 o'clock a.m. the following morning, including Sunday. No consumer may remain on the premises of the establishment after the termination of the hours of sale, except that customers may remain on the premises for one-half hour after the closing time on Sunday morning.

§11-520.

In Somerset County, notwithstanding any provisions of this article to the contrary, licensees may sell alcoholic beverages, as authorized by their licenses, between the hours of 6 a.m. on any day and 2 a.m. on the following day. However, no sales of alcoholic beverages shall be made or alcoholic beverages consumed on licensed premises between the hours of 2 a.m. on Sundays and 8 a.m. on the following Monday except for:

(1) Holders of Class B (on-sale) beer, wine, and liquor licenses and Class C (on-sale) beer, wine and liquor licenses, who may sell alcoholic beverages, for consumption on their premises, as authorized by their licenses, between the hours of 12:30 p.m. and 12 midnight on Sundays, provided that under those Sunday licenses the sale or disposal of alcoholic beverages will be permitted only if food is available for purchase on the premises.

(2) Holders of a 7-day Class A (off-sale) beer license and a 7-day Class A (off-sale) beer and light wine license, who may sell beverages on Sunday, as authorized by their licenses, from 8 a.m. to 2 a.m. on the following day.

§11-522.

Except as provided under § 11-403 of this article in Washington County holders of the following classes of alcoholic beverages licenses may exercise their license privileges from 6 a.m. to 2 a.m. the following day:

- (1) A Class A (off-sale) license; and
- (2) All classes of (on-sale) alcoholic beverages licenses.

§11-523.

- (a) This section applies only in Wicomico County.

(b) Where on-sale consumption is permitted until a specified time in this section, alcoholic beverages may be consumed for 30 minutes after that time. Thereafter, all tables and bar areas shall be cleared of all alcoholic beverages.

(c) The days and hours for the sale of alcoholic beverages are:

(1) For a Class B “on-sale” hotel and restaurant beer, wine and liquor license:

(i) Monday through Saturday from 10 a.m. to 2 a.m. on the following day; and

(ii) Sunday from 10 a.m. to 12 midnight (and then only for consumption by patrons seated on the premises).

(2) For a Class C “on-sale” club beer, wine and liquor license:

(i) Monday through Saturday from 10 a.m. to 2 a.m. on the following day; and

(ii) Sunday from 12:30 p.m. to 12 midnight (provided that under the Sunday licenses the sale or disposal of any alcoholic beverages is permitted only for consumption by patrons seated on the premises).

(3) For a Class B hotel and restaurant beer license:

(i) On-sale:

1. Monday through Saturday from 6 a.m. to 2 a.m. the following day; and

2. Sunday from 10 a.m. to 12 midnight, provided that the sale of alcoholic beverages on Sunday is only permitted for consumption by patrons who are seated on the premises; and

(ii) Off-sale on any day from 6 a.m. to 12 midnight.

(4) For a Class B hotel and restaurant beer and light wine license:

(i) On-sale:

1. Monday through Saturday from 6 a.m. to 2 a.m. the following day; and

2. Sunday from 10 a.m. to 12 midnight, provided that the sale of alcoholic beverages on Sunday is only permitted for consumption by patrons who are seated on the premises; and

(ii) Off-sale on any day from 6 a.m. to 12 midnight.

- (5) For a 6–day Class D beer and light wine license:
 - (i) On–sale, Monday through Saturday from 6 a.m. to 2 a.m. the following day; and
 - (ii) Off–sale, Monday through Saturday from 6 a.m. to 12 midnight.
- (6) For a 7–day Class D beer and light wine license:
 - (i) On–sale:
 - 1. Monday through Saturday from 6 a.m. to 2 a.m. the following day; and
 - 2. Sunday from 12:30 p.m. to 12 midnight, provided that the sale of alcoholic beverages is only permitted for consumption by patrons who are seated on the premises; and
 - (ii) Off–sale any day from 6 a.m. to 12 midnight.
- (7) For a Class B beer, wine and liquor (golf course) license:
 - (i) Monday through Saturday from 10 a.m. to 2 a.m. the following day; and
 - (ii) Sunday from 10 a.m. to 12 midnight.
- (8) (i) For a stadium beer and light wine license, except as provided in subitem (ii) of this item:
 - 1. Monday through Saturday from 12 noon to 9 p.m.; and
 - 2. Sunday from 1 p.m. to 5 p.m.
 - (ii) During baseball games only, alcoholic beverages may not be sold:
 - 1. After the beginning of the eighth inning; or
 - 2. During a double header game, after the beginning of the sixth inning of the second game.

§11–524.

(a) In Worcester County, notwithstanding any other provisions of this subtitle, no holder of any retail alcoholic beverage license shall be permitted to sell, barter, deliver or give away, or otherwise dispose of any alcoholic beverages, or permit any alcoholic beverages to be consumed on the licensed premises, except as hereinafter provided.

(b) (1) Except as provided in subsections (c) and (d) of this section, no alcoholic beverages may be sold between the hours of 2:00 a.m., prevailing time, on Sunday, and 9:00 a.m., prevailing time, on Monday; nor between the hours of 2:00 a.m. and 9:00 a.m. on the remaining days of the week.

(2) However, where sales are permitted until 2:00 a.m., alcoholic beverages may not be consumed later than 2:30 a.m., at which time, the licensed premises shall be vacated by all patrons.

(c) In the sections of this article set forth in this subsection, the hours for sale in Worcester County shall be:

(1) Section 3-101 — Class A beer

(i) 6-day license — 6:00 a.m. to 2:00 a.m. the following morning, but there shall be no sales between 2:00 a.m. Sunday and 6:00 a.m. Monday.

(ii) 7-day license — 6:00 a.m. to 2:00 a.m. the following morning, except that on Sundays the licensee may reopen at 6:00 a.m. and remain open until 2:00 a.m. the following Monday.

(2) Section 3-201 — Class B beer

(i) 6-day license

(A) (off-sale) 6:00 a.m. to 2:00 a.m. the following morning.

(B) (on-sale) 9:00 a.m. to 2:00 a.m. the following morning.

(C) There may be no sales between 2 a.m. Sunday and 6:00 a.m. or 9:00 a.m. Monday, respectively.

(ii) 7-day licenses

(A) Countywide (exclusive of tenth election district) as stated in § 3-201 — (off-sale) 6:00 a.m. to 2:00 a.m. the following morning and on Sundays (off-sale) 6:00 a.m. to 2:00 a.m. Monday; (on-sale) 9:00 a.m. to 2:00 a.m. the following morning and on Sundays 12:30 p.m. to 2:00 a.m. Monday.

(B) Tenth election district, as stated in § 3-201 — (off-sale) 6:00 a.m. to 2 a.m. the following morning and on Sundays (off-sale) 6:00 a.m. to 2:00 a.m. Monday morning.

(C) (on-sale) 9:00 a.m. to 2:00 a.m. the following morning.

(3) Section 3-301 — Class C beer

The hours for sale shall be from 9:00 a.m. until 2:00 a.m. the following morning, except that there be no sales on Sundays between 2:00 a.m. and 9:00 a.m.

Monday mornings.

(4) Section 3-401 — Class D beer

(i) 6-day license

(A) (off-sale) 6:00 a.m. to 2:00 a.m. the following morning.

(B) (on-sale) 9:00 a.m. to 2:00 a.m. the following morning.

(ii) 7-day license

(A) Countywide (exclusive of tenth election district) as stated in § 3-401 — (off-sale) 6:00 a.m. to 2:00 a.m. the following morning and on Sundays (off-sale) 6:00 a.m. to 2:00 a.m. Monday; (on-sale) 9:00 a.m. to 2:00 a.m. the following morning and on Sundays 12:30 p.m. to 2:00 a.m. Monday.

(B) Tenth election district, as stated in § 3-401(n) — (off-sale) 6:00 a.m. to 2:00 a.m. the following morning and on Sundays (off-sale) 6:00 a.m. to 2:00 a.m. Monday.

(C) (on-sale) 9:00 a.m. to 2:00 a.m. the following morning.

(5) Section 5-101 — Class A beer and light wine

(i) 6-day license — 6:00 a.m. to 2:00 a.m. the following morning, but there shall be no sales between 2:00 a.m. Sunday and 6:00 a.m. Monday.

(ii) 7-day license — 6:00 a.m. to 2:00 a.m. the following morning, except that on Sundays the licensee may reopen at 6:00 a.m. and remain open until 2:00 a.m. the following Monday.

(6) Section 5-201 — Class B beer and light wine

(i) 6-day license

(A) (off-sale) 6:00 a.m. to 2:00 a.m. the following morning.

(B) (on-sale) 9:00 a.m. to 2:00 a.m. the following morning.

(C) There may be no sales between 2:00 a.m. Sunday and 6:00 a.m. or 9:00 a.m. Monday, respectively.

(ii) 7-day licenses

(A) Countywide (exclusive of tenth election district) as stated in § 5-201 — (off-sale) 6:00 a.m. to 2:00 a.m. the following morning and on Sundays (off-sale) 6:00 a.m. to 2:00 a.m., Monday morning.

(B) Tenth election district, as stated in § 5–201 — (off–sale) 6:00 a.m. to 2:00 a.m. the following morning and on Sundays (off–sale) 6:00 a.m. to 2:00 a.m. Monday morning.

(C) (on–sale) 9:00 a.m. to 2:00 a.m. the following morning.

(7) Section 5–301 — Class C beer and light wine

The hours for sale shall be from 9:00 a.m. until 2:00 a.m. the following morning, except that there shall be no sales on Sundays between 2:00 a.m. and 9:00 a.m. Monday mornings.

(8) Section 5–401 — Class D beer and light wine

(i) 6–day license

(A) (off–sale) 6:00 a.m. to 2:00 a.m. the following morning.

(B) (on–sale) 9:00 a.m. to 2:00 a.m. the following morning.

(ii) 7–day license

(A) Countywide (exclusive of tenth election district) as stated in § 5–401 — (off–sale) 6:00 a.m. to 2:00 a.m. the following morning and on Sundays (off–sale) 6:00 a.m. to 2:00 a.m. Monday.

(B) Tenth election district, as stated in § 5–401 — (off–sale) 6:00 a.m. to 2:00 a.m. the following morning and on Sundays (off–sale) 6:00 a.m. to 2:00 a.m. Monday.

(C) (on–sale) 9:00 a.m. to 2:00 a.m. the following morning.

(9) Section 6–201 — Class B beer, wine and liquor

(i) 6–day license

(A) (off–sale) — 6:00 a.m. to 2:00 a.m. the following morning for the sale of beer and light wine only — 9:00 a.m. to 2:00 a.m. the following morning for the sale of liquor also

(B) (on–sale) — 9:00 a.m. to 2:00 a.m. the following morning

(ii) 7–day license

(A) (off–sale) — 6:00 a.m. to 2:00 a.m. the following morning for the sale of beer and light wine only — 9:00 a.m. to 2:00 a.m. the following morning for the sale of liquor also

(B) (on–sale) — 9:00 a.m. to 2:00 a.m. the following morning

(C) Sundays — (on-sale) — 9:00 a.m. to 2:00 a.m. Monday morning (off-sale) — 6:00 a.m. to 2:00 a.m. the following morning.

(iii) Section 6-201(y) licensees may sell during the hours specified in (ii), or during whatever lesser hours specified by the Ocean City Convention Hall Commission.

(10) Section 6-301 — Class C beer, wine and liquor

(i) 6-day license — 9:00 a.m. to 2:00 a.m., the following morning

(ii) 7-day license — 9:00 a.m. to 2:00 a.m., the following morning

(iii) Sundays — 9:00 a.m. to 2:00 a.m., the following Monday

(11) Section 6-401 — Class D beer, wine and liquor

(i) 6-day license

(A) (off-sale) — 6:00 a.m. to 2:00 a.m. the following morning for the sale of beer and light wine only — 9:00 a.m. to 2:00 a.m. the following morning for the sale of liquor also

(B) (on-sale) — 9:00 a.m. to 2:00 a.m. the following morning

(ii) 7-day license

(A) (off-sale) — 6:00 a.m. to 2:00 a.m. the following morning for the sale of beer and light wine only — 9:00 a.m. to 2:00 a.m. the following morning for the sale of liquor also

(B) (on-sale) — 9:00 a.m. to 2:00 a.m. the following morning

(C) Sundays — (on-sale) — 9:00 a.m. to 2:00 a.m. Monday morning and (off-sale) 6:00 a.m. to 2:00 a.m. the following morning.

(d) Holders of seven day licenses under §§ 6-201(y) and 6-401(j) of this article also may serve alcoholic beverages to conventions or any other groups approved by the Board of License Commissioners in accordance with the provisions of § 7-101(t) of this article.

(e) In Worcester County Sunday sales when December 31 or January 1 fall on a Sunday shall be governed by § 11-402(y) of this article.

(f) (1) In order to qualify for all “on-sale” Class B, C, and D licenses, the licensed premises shall be equipped with public restrooms with a minimum of at least one for each sex, and shall be connected to a health department approved public or private water and waste system.

(2) If the Worcester County Board of License Commissioners finds that the requirements of paragraph (1) of this subsection will impose an undue hardship on the applicant, the Board may waive the requirements.

§12-101.

No holder of a manufacturer's or wholesaler's license, and no distiller, brewer, rectifier, blender or bottler of alcoholic beverages or the owner of any interest in any distillery, brewery, rectifying, blending or bottling plant shall be permitted to enter into any agreement with any retail dealer, the effect or purpose of which is to limit the purchases or sales of any such retail dealer to the products of any one or more of such producers, it being the intent and purpose of this article that every retail dealer shall at all times, be and remain free to purchase the alcoholic beverages sold by him, from any holder of a manufacturer's or wholesaler's license issued under the provisions of this article.

§12-102.

(a) In order to eliminate the undue stimulation of the sale of alcoholic beverages and the practice of manufacturers and wholesalers in granting secret discounts, rebates, allowances, free goods or other inducement to selected licensees which contribute to a disorderly distribution of alcoholic beverages, it shall be unlawful for any person licensed hereunder as a manufacturer, wholesaler, resident dealer, or nonresident winery permit holder to discriminate directly or indirectly in price, discounts or the quality of merchandise sold, between one dispensary and another dispensary, between one wholesaler and another wholesaler or between one retailer and another retailer purchasing alcoholic beverages bearing the same brand and trade name and of like age and quality. It shall be unlawful for any nonresident dealer, resident dealer, nonresident winery permit holder, or nonresident unlicensed manufacturer to use or promote the use of any such practices for the sale or distribution of alcoholic beverages to or through the manufacturers, wholesalers or county dispensaries in this State. This section shall not restrict a manufacturer, wholesaler, nonresident dealer, resident dealer, or nonresident winery permit holder from limiting the quantity of alcoholic beverages to be sold to any licensee under a voluntary or compulsory plan of ration and the word "purchase" shall not imply that a manufacturer, wholesaler, nonresident dealer, resident dealer, or nonresident winery permit holder shall be required to sell to all licensees from whom they receive orders. The Comptroller may promulgate such rules and regulations as are necessary to carry out the purpose of this section.

(b) A supplier, nonresident dealer, resident dealer, nonresident winery permit holder, or wholesaler may not make a discount, rebate, or depletion allowance that is offered on a product dependent on the pricing policy or practice of the licensee who is invoiced for the product.

(c) (1) This subsection applies only to those counties whose liquor control boards establish and maintain county liquor dispensaries in accordance with § 15-203

of this article.

(2) Notwithstanding any other provision of this section, a supplier may enter into an agreement with a wholesaler or authorized representative to replace, directly or indirectly, stale or out-of-date malt beverage products on retail licensed premises:

- (i) On a case for case basis;
- (ii) At the supplier's expense; and
- (iii) Under a plan submitted to and approved by the State Comptroller.

(3) If a wholesaler refuses to replace stale or out-of-date malt beverage products on retail licensed premises, the supplier may unilaterally submit a replacement plan to the State Comptroller for approval.

(4) Notwithstanding any other provision of this article, the replacement plan that the supplier unilaterally submits to the State Comptroller may include the designation of an authorized representative or wholesaler outside the territory of the wholesaler who refuses to participate in a plan to replace stale or out-of-date malt beverage products.

§12-103.

(a) It is the declared policy of this State that it is necessary to regulate and control the sale and distribution within the State of wines and liquors, for the purpose of fostering and promoting temperance in their consumption and respect for and obedience to the law. In order to eliminate price wars, which unduly stimulate the sale and consumption of wines and liquors and disrupt the orderly sale and distribution thereof, it is hereby declared as the policy of this State that the sale of wines and liquors should be subjected to the following restrictions, prohibitions and regulations. The necessity for the enactment of the provisions of this section is, therefore, declared as a matter of legislative determination.

(b) The Comptroller is authorized and directed, by regulation, to prescribe the maximum discounts which may be allowed by any manufacturer, wholesaler, or nonresident winery permit holder in the sale and distribution of various quantities of wines and liquors. Said regulation may also, in the discretion of the Comptroller, prohibit the giving of discounts by any manufacturer, wholesaler, or nonresident winery permit holder in the sale and distribution of any or all quantities or kinds of wines and liquors.

(c) The Comptroller is authorized and directed, by regulation, to require the filing, from time to time, by any manufacturer, wholesaler, nonresident dealer, resident dealer, or nonresident winery permit holder of schedules of prices at which wines and liquors are sold by such manufacturer, wholesaler, nonresident dealer,

resident dealer, or nonresident winery permit holder and further to require the filing of any proposed price change. Said regulation shall provide that the effective date of any proposed price decrease shall be postponed for such period of time as the Comptroller may prescribe sufficient to permit notice thereof to other manufacturers or wholesalers selling similar wines and liquors and an opportunity for the same to make a like price decrease. Said regulation shall also provide that any manufacturer, wholesaler, nonresident dealer, resident dealer, or nonresident winery permit holder proposing to sell any wines and liquors not currently being sold by the same shall first give notice to the Comptroller of the prices at which such wines and liquors are proposed to be sold; and said regulation shall further provide that sales of such wines and liquors shall not be made for such period of time as the Comptroller may prescribe sufficient to permit notice thereof to other manufacturers or wholesalers selling similar wines and liquors and an opportunity for such other manufacturers or wholesalers to alter the price of such similar wines and liquors so as to make that price comparable to the price fixed by the manufacturer or wholesaler proposing to sell wines and liquors not currently being sold. The Comptroller is authorized and empowered, in promulgating the regulations required by this subsection, to require the filing by any manufacturer, wholesaler, nonresident dealer, resident dealer, or nonresident winery permit holder of any other information with regard to the size, containers, brands, labels, descriptions, packages, quantities to be sold and any other data in connection with wines and liquors as the Comptroller may reasonably determine.

(c-1) The Comptroller may require, by regulation, that suppliers of wholesalers of distilled spirits affirm that the net price of each item offered for sale, exclusive of routine transportation costs, is no higher than the lowest price at which such item is being offered for sale elsewhere within the United States, including the District of Columbia.

(d) Any person violating any of the provisions of any regulation promulgated under the authority contained in this section shall be subject to the penalties provided in §§ 2-101 and 10-401, as the case may be, of this article.

(e) Nothing contained in this section shall be construed to authorize the Comptroller to fix the prices at which any wines and liquors may be sold by any manufacturer, wholesaler, nonresident dealer, resident dealer, or nonresident winery permit holder other than to fix permissible discounts which may be allowed by any manufacturer or wholesaler on such sales and other than to postpone the effective date of any proposed price decrease in the sale and distribution of wines and liquors currently sold by any manufacturer, wholesaler, nonresident dealer, resident dealer, or nonresident winery permit holder or the effective date of the sale of any wines and liquors not currently being sold by any manufacturer, wholesaler, nonresident dealer, resident dealer, or nonresident winery permit holder for a reasonable period sufficient to permit the filing of proposed price decreases or proposed sales of wines and liquors not currently being sold, as the case may be, with the Comptroller and notice thereof to other manufacturers or wholesalers, and an opportunity for the same to make like price changes. Nothing contained in this section shall be construed to require any manufacturer, wholesaler, nonresident dealer, resident dealer, or nonresident winery

permit holder of wines and liquors to make sales to any licensees under the provisions of this article.

§12-104.

(a) (1) In this section the following words have the meanings indicated.

(2) “Business entity” means any holder of a manufacturer’s or wholesaler’s license, or anyone connected with the business of the holder, or any distiller, nonresident dealer, resident dealer, brewer, rectifier, blender or bottler of alcoholic beverages.

(3) “Sign” means any sign, display, poster, placard, or other form of advertisement, whether graphic or not.

(b) (1) A business entity may not have any financial interest in the premises upon or in which any alcoholic beverage is sold at retail by any licensee or in any business conducted by any licensee.

(2) A person or business entity, or anyone connected with that person or business entity, may not lend any money or other thing of value, make any gift, or offer any gratuity to any retail dealer.

(3) Except as provided for, a retail dealer may not accept, receive or make use of any money, gift, or sign furnished by any business entity or become indebted to any person except for the purchase of alcoholic beverages and allied products purchased for resale.

(4) A business entity, other than a wholesaler of beer and malt beverages, may not furnish any sign, except as provided in this article.

(c) (1) The provisions of this subsection apply only to brewed products.

(2) Subject to paragraph (3) of this subsection, a brewer, nonresident dealer, resident dealer, or beer wholesaler may not furnish any sign over \$150 in value to the holder of any retail license issued under the provisions of this article where the sign advertises the beer or malt products of a particular brewer, nonresident dealer, resident dealer, or beer wholesaler.

(3) A sign that is manufactured by a beer wholesaler and furnished to the holder of any retail license issued under this article may not be over \$50 in value to the holder of the retail license where the sign advertises the beer or malt products of the beer wholesaler.

(4) The sign shall contain brand identifiable advertising matter that is prominent, permanent, and equal to the life and value of the utilitarian character of the advertising item.

(d) (1) The provisions of this subsection apply only to wine and distilled spirits products.

(2) Signs bearing advertising matter or any other forms of advertising for use in windows or elsewhere on a retail liquor establishment may be given or furnished to a retailer by a brand owner who is engaged in the business of a business entity, if:

(i) The utilitarian value is secondary and only incidental to the value as an advertisement;

(ii) The total value of any item furnished by any brand owner for each of its individual brands for use in any one retail establishment at any one time does not exceed the sum of \$150 for each individual brand; and

(iii) The cost of installation of these materials does not exceed that which is usual and customary in that particular locality.

(3) (i) In lieu of premanufactured advertising material, materials and labor may be furnished by a brand owner for the custom manufacture of an advertising display not exceeding \$150 which is temporary in nature and has no other utilitarian value.

(ii) A manufacturer, nonresident dealer, resident dealer, or brand owner may not undertake any plan or design which directly or indirectly results in the purchase of advertising materials or supplies or advertising services by any wholesale or retail licensee; neither may a wholesale or retail licensee participate directly or indirectly in any transaction in which he pays for or shares in the cost for any of the value of the advertising materials, supplies, services, or mailing expenses utilized to promote a brand owner's products.

(iii) These provisions do not prevent a wholesale licensee from furnishing brand owners with display materials and installation services at charges, computed at not less than the fair market value for these services.

(e) (1) The provisions of subsections (b) and (d) of this section do not apply to a holder of a Class 3 or Class 4 winery manufacturer's license who is issued a Class A2 light wine on- and off-sale license in Baltimore City with respect to the wine manufactured or bottled on the winery premises.

(2) The provisions of subsections (b) and (c) of this section do not apply to the holder of a Class 6 pub-brewery license with respect to the malt beverages brewed on the premises of the pub-brewery.

(3) The provisions of subsections (b) and (c) of this section do not apply to a holder of a Class 7 micro-brewery license with respect to the malt beverages brewed on the premises of the micro-brewery for the purpose of being licensed as a retailer for selling on the brewery licensed premises or in a restaurant or brewery pub owned, conducted, and operated by the holder in or adjacent to the brewery for which it is

licensed.

(4) In addition to the retail license required under § 2–207 or § 2–208 of this article, a Class 6 pub–brewery licensee or a Class 7 micro–brewery licensee may hold or have a financial interest in one additional retail alcoholic beverages license that does not apply to premises to which a Class 6 pub–brewery license or Class 7 micro–brewery license applies.

(5) (i) This paragraph applies only in Wicomico County.

(ii) Subject to subparagraph (iii) of this paragraph, the Comptroller may issue one Class 6 pub–brewery license or one Class 7 micro–brewery license, but not both, to a person that holds not more than five Class B beer, wine and liquor licenses.

(iii) A Class 6 pub–brewery license or a Class 7 micro–brewery license issued under subparagraph (ii) of this paragraph may be issued only for a location in an enterprise zone.

(iv) Notwithstanding subsection (b)(1) of this section, a holder of a Class A license may also hold a Class 7 micro–brewery license and not more than five Class B beer, wine and liquor licenses under this paragraph.

(6) (i) The State Comptroller may issue to a single applicant one Class 6 pub–brewery license or one Class 7 micro–brewery license but not both for a location in an enterprise zone in Dorchester County, if the applicant holds no more than three Class B beer, wine and liquor licenses.

(ii) This paragraph does not limit the number of Class 6 pub–brewery licenses or Class 7 micro–brewery licenses that the State Comptroller may issue in Dorchester County.

(7) (i) This paragraph applies only in Howard County.

(ii) The Comptroller may issue one Class 8 farm brewery license to a person that holds not more than two Class B beer, wine and liquor licenses.

(f) Notwithstanding the provisions of subsection (b)(1) of this section, a holder of a Class 6 limited wine wholesaler’s license may have a financial interest in up to one Class A licensed premises authorized under Title 4, Subtitle 2 of this article.

(g) Any person who violates the provisions of this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 2 years, or both.

§12–105.

No licensee shall store or keep any alcoholic beverages except on the premises covered by the license or at a public (includes a government controlled) or individual

warehouse having a permit issued under the provisions of this article.

§12-106.

Any person engaged in the sale or barter of spirituous, malt or intoxicating liquors, and licensed under the laws of Maryland, to engage in such sale or barter, who shall directly or indirectly give or offer to anyone visiting the premises of such licensed person, where spirituous, malt or intoxicating liquors of any kind are sold or bartered, or offered for sale or barter, any viands, food or lunch of any character, except as hereinafter provided, for the purpose of inducing, procuring or influencing the person to whom the same may be offered, to purchase in any quantity, spirituous, malt or intoxicating liquor to be drunk on the premises of such licensed person, shall be deemed guilty of a misdemeanor, and on conviction, shall be punishable by a fine of not more than \$10 for each offense; provided, however, that this section may not operate to prohibit the placing on the counters of such licensed person, hors d'oeuvres, pretzels, cheese or crackers for the use, without cost thereto, of the patrons of such licensed person; and provided further, that the placing by such licensed person of any viands, food or lunch, other than hereinbefore excepted at any place on his premises for the free use of his patrons, shall be prima facie evidence of a violation of this section.

§12-107.

(a) No retail dealer, other than the holder of a Class E, Class F or Class G license, shall purchase any alcoholic beverages except from a duly licensed manufacturer, wholesaler, or private bulk sale permit holder or nonresident winery permit holder under the provisions of this article, and no retail dealers shall sell to any other retail dealer any alcoholic beverages except to the holder of a special Class C beer, beer and wine and beer, wine and liquor license, and shall not at any time keep or permit to be kept upon the licensed premises any alcoholic beverages except those so purchased.

(b) (1) In this subsection, "pomace brandy" means brandy that is distilled from the pulpy residue of the wine press, including the skins, pips, and stalks of grapes.

(2) Except as provided in paragraphs (10) and (11) of this subsection, it shall be unlawful for any person to drink on the licensed premises of any license holder any alcoholic beverages not purchased from the license holder on said premises and not permitted by this article to be consumed on the premises; and it shall be unlawful for any license holder to permit any person to drink any alcoholic beverage not purchased from the said license holder on the premises covered by the license which he holds and not permitted by this article to be consumed on the premises.

(3) This subsection does not apply to special or temporary licenses in Carroll County.

(4) This subsection does not apply to licenses issued under § 7-101(k) of

this article for a dance or social event:

(i) Advertised as being “bring your own” (BYO); or

(ii) Held on the premises of the licensee by a member or by a guest of a member of the club, fire department, or other organization which is licensed.

(5) Paragraph (2) of this subsection does not apply in Howard County to dances, weddings, fundraisers, or other social events held in a hall that is rented from and is located on the premises of a veterans organization which is licensed under this article. However, the veterans organization may not sell or otherwise provide alcoholic beverages to the attendees of the dance, wedding, fundraiser, or other social event.

(6) Notwithstanding any other provision of this article, paragraph (2) of this subsection does not apply to a Class 4 limited winery which brings wine and pomace brandy manufactured on its licensed premises onto a retail licensed premises under the following conditions:

(i) The product is being provided for a bona fide promotional activity conducted by the limited winery, retail licensee, alcoholic beverages trade association, or nonprofit organization;

(ii) A representative of the limited winery, or a trade association representing Maryland wineries, is present at all times during the period of the promotional activity;

(iii) Any unopened or partially consumed containers of wine and pomace brandy are removed from the retail licensed premises at the conclusion of the promotional activity;

(iv) The limited winery or winery trade association complies with any rules or regulations promulgated by the Comptroller pertaining to on-premise promotions and product sampling; and

(v) The limited winery or winery trade association has the advance written permission of the retail licensee to bring wine products on the retail licensed premises for purposes of the promotional activity.

(7) This subsection does not apply to:

(i) Special licenses issued in St. Mary’s County to any bona fide religious, fraternal, civic, veterans, hospital, or charitable organization under § 7–101(r) of this article; or

(ii) A license issued in St. Mary’s County that applies to an outdoor motor sports facility that is located in Mechanicsville or Budds Creek.

(8) This subsection does not prevent residents and their guests in a

continuing care retirement community in Prince George's County that holds a Class C (on-sale) beer, wine and liquor license from consuming wine not purchased from the continuing care retirement community, if:

- (i) The wine is consumed with a meal in the dining room; and
- (ii) The continuing care retirement community:
 - 1. Is operated by a nonprofit organization for the continuing care retirement of persons at least 60 years old;
 - 2. Has been incorporated for at least 1 year;
 - 3. Has obtained a certificate of registration from the State Department of Aging under Title 10, Subtitle 4 of the Human Services Article; and
 - 4. Prepares and serves meals during regular operating hours to residents and their guests.

(9) This subsection does not prevent residents and their guests in a continuing care retirement community in Frederick County that holds a Class C (on-sale) beer, wine and liquor license from consuming wine not purchased from the continuing care retirement community, if:

- (i) The wine is consumed with a meal in the dining room; and
- (ii) The continuing care retirement community:
 - 1. Is operated by a nonprofit organization for the continuing care retirement of persons at least 60 years old;
 - 2. Has been incorporated for at least 1 year;
 - 3. Has obtained a certificate of registration from the State Department of Aging under Title 10, Subtitle 4 of the Human Services Article; and
 - 4. Prepares and serves meals during regular operating hours to residents and their guests.

(10) (i) This paragraph applies to an individual in:

- 1. A restaurant, club, or hotel for which a Class B or Class C license allowing the sale of wine is issued;
- 2. An establishment in Garrett County for which a Class B-B&B (bed and breakfast) license is issued; or
- 3. A restaurant, club, or hotel in Montgomery County for which a Class H license allowing the sale of wine is issued.

(ii) An individual covered under subparagraph (i) of this paragraph may consume wine not purchased from or provided by the license holder only if:

1. The wine is consumed with a meal during the hours of sale specified by the license;
2. The individual receives the approval of the license holder;
3. The wine is not available for sale on the license holder's wine list; and
4. The license holder obtains a permit from the local licensing board before allowing an individual the privilege of consuming wine not purchased from or provided by the license holder.

(iii) A local licensing board shall issue a permit at no charge to each license holder who seeks to allow an individual to consume wine under the conditions specified in subparagraph (ii) of this paragraph.

(iv) A license holder that allows an individual the privilege of consuming wine described under subparagraph (ii) of this paragraph may determine and charge the individual a fee for the privilege, on which a sales tax shall be imposed.

(v) Except as provided in subparagraph (vi) of this paragraph, the license holder shall dispose of wine described under subparagraph (ii) of this paragraph that remains after the meal is finished.

(vi) The individual may remove from the licensed premises a bottle of wine, the contents of which are only partially consumed with the meal, if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle.

(vii) A bottle of wine that is removed from the licensed premises under subparagraph (vi) of this paragraph is an "open container" for purposes of § 10–125 of the Criminal Law Article.

(viii) A license holder may not allow an individual who is under 21 years old or who is visibly under the influence of an alcoholic beverage the privilege of consuming wine described under subparagraph (ii) of this paragraph.

(11) During a bona fide entertainment event held in the Arts and Entertainment District in Hagerstown and approved by the Mayor and City Council, an individual, within the approved event area and in a designated container unique to the event, may:

(i) Purchase beer or wine from the holder of a special Class C (on-sale) beer and wine street festival license, or purchase beer or wine from, and consume on the premises of, a license holder with on-sale privileges within the Arts and Entertainment District;

(ii) Transport the beer or wine in the designated container to the premises of another license holder with on-sale privileges in the Arts and Entertainment District and within the approved event area; and

(iii) Consume the beer or wine within the Arts and Entertainment District event area as approved by the Mayor and City Council, including on the premises of any license holder with on-sale privileges.

§12-107.1.

(a) Notwithstanding any other provision of this article, a person who purchases at a licensed premises a meal and a bottle of wine, the contents of which are partially consumed with the meal, may remove the bottle and its contents from the licensed premises if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle.

(b) A bottle of wine that is removed from the licensed premises under subsection (a) of this section is an “open container” for purposes of § 10-125 of the Criminal Law Article.

§12-108.

(a) (1) A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time:

(i) To a person under 21 years of age for the underage person’s own use or for the use of any other person; or

(ii) To any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.

(2) Any licensee or any employee of the licensee who is charged with a violation of this subsection shall receive a summons to appear in court on a certain day to answer the charges placed against that person. The person charged may not be required to post bail bond pending trial in any court of this State.

(3) (i) A licensee or employee of the licensee violating any of the provisions of this subsection is guilty of a misdemeanor and, upon conviction, is subject to:

1. The penalties provided by § 16-503 of this article; and
2. In Calvert County, if the violator is:
 - A. A licensee, a fine not exceeding \$200; or
 - B. An employee of a licensee, a fine not exceeding \$250.

(ii) A licensee or employee of the licensee who is charged with selling or furnishing any alcoholic beverages to a person under 21 years of age may not be found guilty of a violation of this subsection, if the person establishes to the satisfaction of the jury or the court sitting as a jury that the person used due caution to establish that the person under 21 years of age was not, in fact, a person under 21 years of age if a nonresident of the State.

(iii) The licensee or employee of the licensee may accept, as proof of a person's age:

1. If the person is a resident of the State, the person's driver's license or identification card as provided for in the Maryland Vehicle Law; or

2. A United States military identification card.

(iv) Except as otherwise provided in this section, if any licensee or employee of the licensee is found not guilty, or placed on probation without a verdict, of any alleged violation of this subsection, this finding operates as a complete bar to any proceeding by any alcoholic beverage law enforcement or licensing authorities against the licensee on account of the alleged violation.

(b) (1) A licensee under the provisions of this article, or any of his employees, in Worcester County, may not sell or furnish any alcoholic beverages to a person under 21 years of age, either for his own use or for the use of any other person, or to any person who at the time of the sale, or delivery, is visibly under the influence of alcoholic beverages.

(2) Any licensee or employee of a licensee who is charged with a violation of this subsection may be proceeded against in Worcester County either upon a charging document duly issued by the District Court for Worcester County or by an indictment duly returned by the grand jury of that county. Any licensee violating any of the provisions of this subsection is guilty of a misdemeanor and, upon conviction, shall suffer the penalties provided by § 16-503 of this article. However, a licensee charged with selling or furnishing alcoholic beverages to an underaged person may not be found guilty of a violation of this subsection if the person establishes to the satisfaction of the jury or court sitting as a jury that he used due caution to establish that the person was not, in fact, underaged. This subsection applies solely to Worcester County and stands in place and stead of subsection (a)(1), (2), and (3)(i), (ii), and (iv) of this section as those provisions apply generally to the counties of this State.

(c) (1) This subsection applies only in the following counties:

(i) Caroline County;

(ii) Carroll County;

(iii) Frederick County;

- (iv) Harford County;
- (v) Somerset County;
- (vi) Talbot County; and
- (vii) Wicomico County.

(2) A licensee under the provisions of this article, or any of the licensee's employees, may not sell or furnish any alcoholic beverages at any time to a person under 21 years of age, either for that person's own use or for the use of any other person, or to any person who, at the time of such sale or delivery, is visibly under the influence of any alcoholic beverage.

(3) The Liquor Control Board of Harford County may not find a licensee guilty of violating this section if the licensee or employee of the licensee who is accused of selling or furnishing alcoholic beverages to a person under 21 years of age exercised due caution to establish that the person was not, in fact, a person under 21 years of age.

(4) In Harford County, a licensee who is charged with selling or furnishing alcoholic beverages to an underage person may not be found in violation of paragraph (2) of this subsection if the licensee establishes to the satisfaction of the judge, jury, or Liquor Control Board that the licensee used due caution to establish that the person was not, in fact, underage.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, the provisions of subsection (a) of this section do not apply to the counties which are listed in paragraph (1) of this subsection and the law in these counties shall remain in the same force and effect as if not amended by this section.

(ii) Subsection (a)(3)(iii) of this section applies throughout the State.

(d) No licensee, proprietor, or operator of any establishment dispensing alcoholic beverages shall permit the consumption or possession of any alcoholic beverages by a person under the age of twenty-one years upon said premises no matter by whom such alcoholic beverages shall have been purchased or from whom obtained. A violation of this subsection is a misdemeanor punishable by a fine of not more than \$50 in addition to any other penalties provided under this article.

(e) Notwithstanding any other provision of this section to the contrary, in Queen Anne's County, if any licensee or employee of the licensee is placed on probation before judgment for any alleged violation of subsection (a) of this section, this finding may not operate as a bar to any proceeding brought by the Board of License Commissioners against the licensee on account of the alleged violation.

(e-1) (1) This subsection applies in the City of Annapolis notwithstanding any other provision of this section.

(2) The City Council may provide by ordinance that a violation of subsection (a)(3)(i) of this section is a municipal infraction.

(f) (1) This subsection applies in the following jurisdictions:

- (i) City of Annapolis;
- (ii) Cecil County;
- (iii) Charles County;
- (iv) Dorchester County;
- (v) Garrett County;
- (vi) Howard County;
- (vii) Kent County;
- (viii) Montgomery County;
- (ix) St. Mary's County;
- (x) Somerset County;
- (xi) Washington County; and
- (xii) Wicomico County.

(2) The granting of probation before judgment to a licensee or employee of the licensee for violating subsection (a) of this section does not bar the Board of License Commissioners from proceeding administratively against the licensee for the violation.

§12-109.

(1) Every licensee under the provisions of this article may cause a book to be kept and such licensee or his employee, or both, may require any person who has shown documentary proof of age, which substantiates his age to allow the legal purchase of alcoholic beverages, to sign such book if the age of such person is in question. The book shall contain copies of the following form upon which the licensee or his employee shall record all information required by each and all sections of the form:

Date..... 20....

To Be Filled in by Seller

IDENTIFICATION (CHECK ALL SHOWN)

Driver's License
Birth Certificate
Service Discharge
Draft Card.....
Air Force I.D. Card.....
Other (Specify).....

Army I.D. Card
Coast Guard I.D. Card
Marine I.D. Card
Navy I.D. Card.....

DESCRIPTION OF PURCHASER

Height.....
Color of Eyes
Outstanding Features

Weight
Color of Hair

Seller's Signature

To Be Filled in by Prospective Purchaser

I declare I am of legal age to purchase fermented malt beverages or intoxicating liquor, and that I am subject to arrest and prosecution for misrepresenting my age.

Print full name
Street address
City

State

Signature

No.

(2) The establishment of the following facts by a person making a sale of alcoholic beverages to a person not of legal age shall constitute prima facie evidence of innocence and a defense to any prosecution therefor:

(a) That the purchaser falsely represented in writing and supported with other documentary proof that he was of legal age to purchase alcoholic beverages.

(b) That the appearance of such purchaser was such that an ordinary and prudent person would believe him to be of legal age to purchase alcoholic beverages.

(c) That the sale was made in good faith and in reliance upon the written representation and appearance of the purchaser in the belief that the purchaser was of legal age to purchase alcoholic beverages.

§12-110.

(a) A licensee under the provisions of this article, or any of his employees, may not knowingly sell, barter, furnish, or give any intoxicating beverages to a habitual drunkard, or to a mentally deficient person, or to any person whose parent or parents, guardian, husband, wife, son, daughter, brother, or sister shall have given notice in writing, that such person is of intemperate habits, or of unsound mind, or on account of his or her physical condition and request the licensee in writing, not to sell, barter, furnish or give any intoxicating beverages to him or her; and the word "knowingly", as to habitual drunkards shall be construed to mean such knowledge as a reasonable man would have under ordinary circumstances, from the habits, appearances or personal reputation of such individual. A licensee violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding \$50.00 for the first offense and for each succeeding offense shall be fined not exceeding \$100.00 or imprisoned in the county jail for not more than 30 days, or be fined and imprisoned in the discretion of the court.

(b) This section shall apply only to Allegany, Carroll, Charles, Harford, Kent, Montgomery, Queen Anne's and Washington counties. Provided, that in Allegany County and Montgomery County the penalty for a violation shall be a fine not in excess of \$1,000, or confinement in the county jail, or house of correction for a period not to exceed 2 years, or fine and imprisonment in the discretion of the court.

§12-111.

(a) A licensee under this article may not permit any person not designated under § 1-102(a)(6) of this article to loaf or loiter about the place of business for which the license is issued.

(b) Restaurants may, however, serve meals without alcoholic beverages to any

person.

§12–112.

(a) This section applies only in the following jurisdictions:

- (1) Baltimore City;
- (2) Caroline;
- (3) Cecil;
- (4) Charles;
- (5) Dorchester;
- (6) Frederick;
- (7) Garrett;
- (8) Harford;
- (9) Kent;
- (10) Prince George's;
- (11) Queen Anne's;
- (12) St. Mary's;
- (13) Somerset;
- (14) Talbot;
- (15) Washington;
- (16) Wicomico; and
- (17) Worcester.

(b) Except as provided in subsection (c) of this section, a manufacturer or wholesaler may not sell any beer to any retail dealer except for cash on delivery.

(c) (1) This subsection applies only in Worcester County.

(2) Subject to the conditions and restrictions provided under paragraphs (3), (4), and (5) of this subsection, a wholesaler may sell beer on credit to a retail dealer who has been doing business for at least 2 years.

(3) A wholesaler who extends credit under this subsection may establish

different prices for cash and credit transactions.

(4) A term of credit extended under this subsection may not exceed 10 days, with no grace period.

(5) (i) A wholesaler may not intentionally deliver beer to a retail dealer to whom any wholesaler has extended credit under this subsection if the retail dealer:

1. Fails to pay the balance owed or makes a payment on the debt by bad check; and

2. Is currently listed on the Worcester County beer credit control list in accordance with regulations issued by the Comptroller.

(ii) A wholesaler who violates this paragraph is subject to a fine not exceeding \$1,000 for each such delivery.

(6) The Board of License Commissioners may not transfer or renew the alcoholic beverages license of a retail dealer who has been extended credit under this subsection and who owes a balance on the debt at the time of the transfer or renewal.

(7) A retail dealer who fails to satisfy a debt on credit extended under this subsection on three separate occasions within a single calendar year may not obtain beer on credit for a period of 2 years from the time of the third occurrence.

(8) (i) A retail dealer may request a hearing with the State Comptroller within 10 days after being listed on the Worcester County beer credit control list for failure to comply with the provisions of this subsection.

(ii) The State Comptroller shall remove immediately from the Worcester County beer credit control list a retail dealer who requests a hearing, pending the disposition of the hearing.

(9) The State Comptroller shall enforce the provisions of this subsection and shall adopt regulations to carry out this subsection.

(d) A suit or action ex contractu to enforce or collect any claim for credit extended in violation of this section may not be maintained in this State.

§12-113.

(a) For the prevention and detection of fraud by manufacturers, wholesalers, and retail dealers, the Comptroller and/or the local liquor licensing boards shall be empowered to prescribe for use, and to authorize any of their deputies or inspectors to make use of hydrometers, saccharometers, weighing and gauging instruments or other means, records or devices for ascertaining the quantity and/or quality of alcohol in any alcoholic beverage that they consider necessary, and they may adopt rules and regulations to secure a uniform and correct system of inspection, marking, and gauging

of those beverages.

(b) A retail dealer or an agent or employee of a retail dealer may not tamper with, by the addition to, or the change in any manner the quantity or quality of, the contents of any container of alcoholic beverages after the container of alcoholic beverages has been sealed in accordance with the laws of the United States and/or the laws of the State of Maryland, and while the contents remain in the original container.

(c) Except as specifically authorized by this article with respect to refillable beer and wine containers, a retail dealer, or an agent or employee of a retail dealer may not refill any container of alcoholic beverages with any substance after the container has once been emptied of its original contents.

(d) (1) A retail dealer may not keep or possess any container or containers of alcoholic beverages that have been tampered with in violation of subsection (b) of this section.

(2) A retail dealer may not keep or possess any container or containers of alcoholic beverages that have been refilled in violation of subsection (c) of this section.

(e) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 2 years or both.

§12-201.

(a) This section applies only in Allegany County.

(b) (1) A licensee may employ any person between the ages of 18 and 21 years for the general purposes of employment.

(2) A person between ages 18 and 21 years may sell or serve beer and light wine.

(3) In order to be permitted to sell or serve distilled spirits, a person shall be 21 years of age or older.

(c) A licensee may not allow a person not designated under § 1-102(a)(6) of this article to loaf or loiter about the place of business for which the license is issued.

(d) A manufacturer or wholesaler may not sell any beer to any retail dealer except for cash on delivery. No suit or action ex contractu to enforce or collect any claim for credit extended in violation of this section shall be maintained in this State.

(e) A licensee may not allow any gambling or gaming that is prohibited by law upon the premises for which the license is issued.

(f) A licensee may not allow any disorderly or disreputable persons to

congregate at the place for which such license is granted.

(g) A licensee, holding a license under this article for the sale of alcoholic beverages by clubs, may not let the privilege granted under the license to any person by any manner of agreement under which the person to whom the privilege might be let could make a profit from it.

(h) All sales of alcoholic beverages by retail dealers shall be for cash only, and no suit may be maintained by any retail dealer against any person for alcoholic beverages which have been sold on credit.

(i) (1) In accordance with the provisions of paragraph (2) of this subsection, Class C and Class D licensees may permit persons under age 21 on the premises to hold or attend a dance or other function at which persons under age 21 may be present.

(2) (i) Alcoholic beverages may not be sold at the function nor may any alcoholic beverages be present within the room where the function is being held.

(ii) The sponsor of the function shall provide appropriate adult supervision at the function.

(j) (1) A person may not display or drink in any bar, restaurant, tavern or any other licensed place any alcoholic beverages other than those which may lawfully be sold by the licensee of the licensed place.

(2) Any person who drinks or displays any such beverage in violation of the provisions of this subsection is guilty of a misdemeanor and upon conviction shall be fined not less than \$25 nor more than \$50.

(3) For the purposes of this section, "premises" includes any building, parking lot, terrace or grounds which form an integral part of the licensed premises.

(4) Any premises licensed for the sale of beer only or for the sale of beer and wine only shall have posted at least four conspicuous notices on the premises with the following words: "Unlawful to drink or expose liquor upon these premises".

(k) Any licensee or other person, upon indictment and conviction of violation of any provisions of this section, shall be fined not more than \$1,000, or shall be imprisoned for up to 2 years, or both.

§12-202.

(a) Except for piped-in background music or one television screen, in Anne Arundel County no holder of any class of alcoholic beverage license or the holder of a club license shall permit the playing of music of any kind, including live music, a karaoke machine, or a disc jockey, or dancing, floor shows, or any other similar type of entertainment on the licensed premises or on adjacent property over which the licensee has ownership or control, except:

(1) Any holder of a Class B, Class D, or Class H license shall be permitted to play recorded music of any kind, or live music with no more than two musicians if the licensee obtains a special music license. A special music license may be issued in the same manner as any other special license. The annual fee for the license shall be \$100. Dancing, floor shows, or other similar live entertainment may not be permitted.

(2) (i) Any holder of a Class B, Class D, or Class H license may allow the playing of more than one television, live music with not more than four musicians, karaoke, and a disc jockey, provided the licensee obtains a special entertainment license that shall be issued in the same manner as any other special license.

(ii) The annual fee for a special entertainment license is:

1. \$300 for a licensee holding a beer, wine and liquor license;
- and
2. \$200 for a licensee holding a beer and wine license.

(iii) A holder of a special entertainment license may not allow dancing, floor shows, or similar live entertainment.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, any holder of a Class B, Class D or Class H license shall be permitted to have music, dancing and other legal forms of entertainment, provided the licensee obtains a special dancing license which shall be issued in the same manner as any other special license. The annual fee shall be \$400 when issued to a licensee holding a beer, wine and liquor license and \$200 when issued to a licensee holding a beer and wine license.

(ii) A Class H license that is located within 1,000 feet in a straight line from entry to entry from a church or school may not obtain a special dancing license.

(4) Any holder of a Class C license shall be permitted to have music, dancing and other legal forms of entertainment, provided the licensee obtains a special dancing license which shall be issued in the same manner as any other special license at no additional charge.

(5) (i) The Board may issue a special outdoor license to a holder of a Class B, Class C, Class D, or Class H license.

(ii) A special outdoor license under this paragraph entitles the holder to provide outdoor table service to customers on the grounds of the licensed establishment.

(iii) The annual fee for a special outdoor license is \$100.

(iv) Before a special outdoor license is renewed, a holder shall obtain approval from the Board.

(6) (i) The Board may issue a special outdoor entertainment license to a holder of a Class B, Class C, Class D, and Class H license who also holds a special dancing license, a special music license, or a special entertainment license under paragraph (1), (2), (3), or (4) of this subsection.

(ii) A special outdoor entertainment license under this paragraph entitles the holder to provide:

1. The same form of entertainment outdoors that the holder is allowed to provide indoors under the holder's special dancing license, special music license, or special entertainment license; and

2. Outdoor table service or cafe service.

(7) All special licenses set forth in paragraphs (1), (2), (3), (4), (5), and (6) of this subsection shall be authorized by the Board of License Commissioners for Anne Arundel County only when the Board finds:

(i) That the use of the licensed premises for such purposes shall not be in violation of any fire, health, or building regulation of Anne Arundel County,

(ii) That the applicant can adequately control the persons using the licensed premises,

(iii) That the granting of such special license is necessary for the accommodation of the public,

(iv) That the operation of the premises under such special license will not unduly disturb the peace of the residents of the neighborhood in which the place of business is located, and

(v) That in the opinion of the Board the granting of such special license will not be detrimental to the general public welfare.

(b) (1) It is unlawful for any licensee or other person to sell spirituous, fermented or intoxicating liquor or to sell, give directly or indirectly, dispose of, barter, furnish, hand over or deliver, within the corporate limits of the City of Annapolis, or within 5 miles of the City, any alcoholic beverages other than beer and light wine in any quantity whatever to any person under the age of 21 years for use by the underage person or for the use of any other person, either with or without the written order or consent of the parent or guardian of the person.

(2) Any person violating the provisions of this subsection is guilty of a municipal infraction as provided in the Code of the City of Annapolis.

(3) If any underage person wilfully represents that he is of full age and obtains any spirituous liquors, and the person selling the spirituous liquor is able to prove at the trial such misrepresentation, and that due caution was used in

ascertaining the age of the underage person before giving the alcohol to the underage person and that in the exercise of reasonable caution he was deceived by the use of documentary evidence and that for this reason he was unable to ascertain that the underage person was in fact an underage person, then the person selling to the underage person shall be acquitted of the charge.

(c) No manufacturer or wholesaler, wherever he be located in Maryland, shall sell any beer to any retailer except for cash on delivery. Cash deposits for returnable containers shall be required at the time of delivery or sale. In addition to currency, checks accepted for payment which are not postdated and are promptly deposited for collection shall also be deemed to be cash. No suit or action ex contractu to enforce payment of any claim for credit extended, or to enforce payment of any check given for payment in violation of this section, shall be maintained in this State.

(d) In Anne Arundel County, a person 18 years of age or older may serve alcoholic beverages while acting in the capacity of a waiter or waitress. Persons under age 21 may not act as a bartender or barmaid or in any solely bar-related capacity, notwithstanding any provisions in this article to the contrary.

§12-202.1.

In Anne Arundel County a holder of a beer, wine and liquor license, Class D, for the sale of alcoholic beverages on any premises, may not sell or permit to be sold or furnished upon any premises, any alcoholic beverages, except in a room having one or more plain glass windows on the street or highway. This enables persons standing on the ground or highway to observe the interior of the premises at all hours when the sales are prohibited. During those hours any curtain, blind or other obstruction may not be placed before the window or windows.

§12-203.

(a) In this section, “adult entertainment” means:

(1) With respect to attire and conduct:

(i) Employment or use of any person in the sale or service of alcoholic beverages in or upon the licensed premises while the person is unclothed or in attire, costume, or clothing so as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.

(ii) Employment or use of the services of any hostess or other person to mingle with the patrons while the hostess or other person is unclothed or in attire, costume, or clothing as described in subparagraph (i) of this paragraph.

(iii) Encouragement of or permitting any person on the licensed premises to caress or fondle the breasts, buttocks, anus, or genitals of any other person.

(iv) Permitting any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair, or any portion of it.

(2) With respect to entertainment provided:

(i) Permitting any person to perform acts of or acts which simulate:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

2. The caressing or fondling of the breast, buttocks, anus, or genitals.

3. The displaying of the pubic hair, anus, vulva, or genitals.

(ii) Permitting any entertainer whose breasts and/or buttocks are exposed (subject to the restrictions of subparagraph (i) of this paragraph) to perform closer than 6 feet from the nearest patron.

(iii) Permitting any person to use artificial devices or inanimate objects to depict, perform, or simulate any activity prohibited by subparagraph (i) of this paragraph.

(3) Exhibiting or showing any motion picture film, still picture, electronic reproduction, or other visual reproduction depicting:

(i) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

(ii) Any person being caressed or fondled on the breast, buttocks, anus, or genitals.

(iii) Scenes where a person displays the vulva, or anus, or the genitals.

(iv) Scenes where artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(b) In Baltimore City, the Board of License Commissioners may not authorize nor may the holder of any class of alcoholic beverages license permit adult entertainment on the licensed premises or on adjacent property over which the licensee has ownership or control.

(c) Upon a finding by the Board of License Commissioners that a violation of this section has occurred, the Board shall impose a suspension or revocation of the license, fine, or both.

(d) This section does not apply to:

(1) Any licensee that offers adult entertainment as of May 31, 1993 or the transferee of the license for the same premises if the transferee continues to offer adult entertainment; and

(2) A licensee who operates a theater, a concert hall, an art center, a museum, or a similar establishment that is primarily devoted to the arts or theatrical performances, when the performances presented express matters of serious literary, artistic, scientific, or political value.

§12-203.1.

The Mayor and City Council of Baltimore City may authorize the Board of License Commissioners to enforce the laws and regulations of Baltimore City that govern adult entertainment business licenses.

§12-204.

(a) This section applies only in Baltimore County.

(b) A holder of a beer, wine, and liquor license, Class D, for the sale of alcoholic beverages on any premises, shall provide an entrance to the premises which shall be unlocked at all times during which sales are being made or while consumption is occurring.

(c) (1) In granting a license, the Board of License Commissioners may:

(i) Limit the license to a Class B (SB) restaurant - service bar beer, wine, and liquor (on-sale) license only; or

(ii) Restrict off sale privileges of the licensee.

(2) The provisions of paragraph (1) of this subsection do not apply to a holder of a Class A beer, wine, and liquor license.

(d) (1) (i) In this subsection, “adult entertainment” means performances at licensed premises that are commonly called “go-go dancing”, “male revues”, “female revues”, and “exotic dancing”.

(ii) “Adult entertainment” includes performances by individuals who perform in any manner while in a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps and devices.

(2) The holder of any class of alcoholic beverages license may not permit adult entertainment on licensed premises or on property adjacent to the licensed premises over which the holder has ownership or control.

(3) If the Board finds that a violation of this subsection has occurred, the Board shall suspend or revoke the license for the premises where the violation occurred, impose a fine on the holder of the license for the premises where the violation occurred, or both.

(4) The provisions of this subsection do not apply to:

(i) The holder of an alcoholic beverages license that offered adult entertainment on licensed premises for at least 5 calendar days between March 8, 1996 and April 8, 1996;

(ii) A transferee of an alcoholic beverages license from a holder described in item (i) of this paragraph as long as the transferee continues to offer adult entertainment on the same licensed premises; or

(iii) The holder of an alcoholic beverages license who operates a theater, a concert hall, an art center, a museum, or a similar establishment that is primarily devoted to the arts or theatrical performances, when the performances express matters of serious literary, artistic, scientific, or political value.

§12-206.

(a) In Caroline County a Class A beer, wine, or liquor licensee may not allow persons under the age of 18 to engage in pool, billiards, shuffleboard, or the playing of pinball or console machines, or in any other game of chance or skill in the licensed establishment unless those persons under 18 are accompanied by a parent or legal guardian.

(b) A licensee, on indictment and conviction of a violation of this section is guilty of a misdemeanor and shall be subject to a fine of not less than \$50 or imprisonment for not more than 30 days, or both.

§12-207.

(a) This section applies only in Carroll County.

(b) A licensee may not sell, offer to sell, or dispense any alcoholic beverages from what is commonly termed a walk-up or drive-through window.

§12-209.

In Charles County no licensee and no agent, servant or employee of said licensee shall be permitted to sell any alcoholic beverages except in a room having one or more plain glass windows or doors so as to enable persons standing on the outside to observe the interior of the premises at all hours, and no curtain, blind, screen or other obstruction shall be placed before such windows, or doors. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon trial and conviction shall be subjected to a fine of not less than \$50 nor more than \$250,

or may be confined in the county jail or in the house of correction for not less than 60 days or both, in the discretion of the court.

§12-209.1.

In Charles County, a retail alcoholic beverages licensee may not sell or give any person or otherwise provide any person with a cup commonly known as a “go cup” for off-premises use for consuming alcoholic beverages.

§12-209.2.

In Charles County a person 18 years of age or older may serve alcoholic beverages in restaurants in connection with serving of a meal. Persons under 21 years of age may not act as bartender or barmaid or in any solely bar-related capacity in Charles County.

§12-210.

(a) This section applies only in Dorchester County.

(b) It is unlawful for any licensee under this article to allow a person not designated in § 1-102(a)(6) of this article to loaf or loiter about the place of business for which the license is issued. Violation of this subsection is punishable by a fine not to exceed \$100.

§12-212.

In Garrett County licensees shall sell beer for cash only and no suit may be maintained by any retail dealer against any person for beer which has been sold on credit. It is unlawful for any licensee to allow any person not designated under § 1-102(a)(6) of this article to loaf or loiter about his place of business.

§12-213.

(a) In Harford County it shall be the duty of all holders of “on-sale” licenses to keep complete and accurate books of account of their receipts and expenditures in such form as may be prescribed by the Liquor Control Board, showing in detail the daily receipts from the sale authorized therein; and said licensees shall also procure vouchers or purchase slips for all alcoholic beverages, food or other commodities and items bought and permitted to be sold therein, which said books, accounts and records shall be open at all times to inspection by the said Board or any officer or inspector appointed by the said Liquor Control Board for that purpose.

(b) All licensees shall make such reports to the Liquor Control Board of all purchases and sales of alcoholic beverages as may be required by the regulations of said Board, and if it is shown by such reports or by investigation by said Board, said officers, or by any other person, that any licensee is violating the provisions of this article, it shall be the duty of said Board to summon such licensee before it, for a hearing. If at such hearing the charges are sustained, the license of such licensee shall immediately

be revoked.

(c) For the purposes of the application of the provisions of this article in Harford County the word “premises” shall be construed to include any building, parking lot, terrace or grounds which form an integral part of the licensed premises.

(d) Notwithstanding the provisions of § 12-107 or of any other contrary provisions of this article, the possession of alcoholic beverages upon the premises of a licensee under the provisions of this article is not unlawful under any of the following conditions:

(1) When the alcoholic beverages are owned by a member of a club and are consumed upon the premises of the club, which is licensed for the sale of beer and light wine or beer, wine and liquor, under the provisions of this article.

(2) When the alcoholic beverages have been brought upon the premises of an “on-sale” restaurant licensed for “on-sales” under the provisions of this article, for consumption and use in a private dining room at a private gathering, so long as the alcoholic beverages have not been furnished by the licensee of the restaurant.

(3) Repealed.

(4) When a dance or social event is held on the premises of a Class C licensee and that dance or social event is advertised as being “Bring your own” (BYO).

(5) When a dance or social event is held on the premises of a Class C licensee by a member of the club, or by a guest sponsored by a club member.

(e) (1) This subsection applies only in Harford County.

(2) An alcoholic beverages licensee may not:

(i) Employ any person under the age of 18 years for the purposes of selling or serving alcoholic beverages;

(ii) Permit any person under the age of 18 years to sell or serve alcoholic beverages; or

(iii) Except as provided in paragraph (3) of this subsection, employ a person under the age of 21 years to act as a bartender or to serve alcoholic beverages at a permanent full-service bar.

(3) A person at least 18 years old may act as a bartender or serve alcoholic beverages at a permanent full-service bar if the person is the son or daughter of the owner of the establishment.

(4) An alcoholic beverages licensee may employ:

(i) A person at least 18 years old to serve alcoholic beverages while acting as a waiter or waitress; or

(ii) A person at least 16 years old to act as a bartender's assistant who:

1. May replace ice, remove trash, or perform similar tasks that do not involve alcoholic beverages; but

2. May not engage in the distribution or sale of alcoholic beverages.

§12-214.

(a) This section applies only in Howard County.

(b) It is unlawful for any "on-sale" licensee to allow persons under the age of 18 years to engage in pool, billiards, shuffleboard, or the playing of pinball or console machines or in any other game of chance or skill in their licensed establishment unless those persons under 18 years are accompanied by a parent or guardian. Any licensee violating the provisions of this section is guilty of a misdemeanor and upon conviction shall be fined not more than \$100 or imprisoned not more than 30 days.

(c) The holder of a Class A, B, or C license may employ an individual who is at least 18 years old to sell or serve alcoholic beverages.

§12-216.

(a) In Montgomery County the holders of the following alcoholic beverages licenses may not sell any alcoholic beverages except those purchased from the Department of Liquor Control for the County:

(1) Beer licenses - Classes A, B, H-TP, C, and D;

(2) Beer and light wine licenses - Classes B, C, D, and D-TP; and

(3) Beer, wine and liquor licenses - Classes A-TP, B, C, and C-TP.

(b) It shall be unlawful for any druggist or apothecary using or dispensing alcoholic beverages under the provisions of this article to use or dispense any such beverages except those purchased from the Liquor Control Board for Montgomery County. If any person, persons, house, company, association or body corporate shall violate any of the provisions of this subsection, he, she, it or they shall, upon each and every conviction, forfeit and pay a fine of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00), and the cost of prosecution and be confined in the Maryland House of Correction for not less than three months nor more than two years or both fine and imprisonment in the discretion of the court.

§12-217.

- (a) This section applies only in Prince George's County.
- (b) A holder of any license authorizing the sale of alcoholic beverages at retail may not sell any alcoholic beverages except for cash.
- (c) Cash deposits for returnable containers shall be required at the time of delivery or sale.
- (d) For the purposes of this section and of § 12-112 of this article which relate to this county, in addition to currency, checks accepted for payment which are not postdated and are promptly deposited for collection by the licensee shall also be deemed to be cash. Any check given in payment for alcoholic beverages to any licensee, which is returned uncollected, is prima facie evidence in any civil case of a violation of this section.
- (e) A suit or action ex contractu to enforce or collect any claim for credit extended, or to enforce payment of any check given for payment for alcoholic beverages in violation of this section, may not be maintained in this State.
- (f) Any licensee, manufacturer, or wholesaler violating the provisions of this section is guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$500 or to imprisonment for not more than 6 months, or fined and imprisoned.

§12-217.1.

- (a) This section applies only in Prince George's County.
- (b) A retail licensee licensed under this article may not sell alcoholic beverages by means of a self-scanning cash register or other automated system that is:
 - (1) Capable of recovering stored information related to the sale price of individual retail items; and
 - (2) Operated on a self-service basis by a customer.
- (c) If a retail licensee licensed under this article violates this section, the local licensing board may:
 - (1) For a first offense, impose a fine not exceeding \$1,000 on the licensee;
 - (2) For a second offense, impose a fine not exceeding \$2,500 on the licensee;and
 - (3) For a third or subsequent offense:
 - (i) Impose a fine not exceeding \$2,500 on the licensee; or

- (ii) Suspend or revoke the license of the licensee.

§12-219.

(a) In St. Mary's County a person 18 years of age or older may serve alcoholic beverages in restaurants in connection with serving of a meal. Persons under 21 years of age may not act as bartender or barmaid or in any solely bar-related capacity in St. Mary's County.

(b) The Alcohol Beverage Board of St. Mary's County may regulate the playing time and noise level of a mechanical music box, live music, or a sound making device on licensed premises if the sound disturbs the peace, tranquility, safety, and health of the surrounding neighborhood.

§12-222.

(a) This section applies only in Washington County.

(b) A holder of any license authorizing the sale of alcoholic beverages at retail shall sell any alcoholic beverages except for cash unless such alcoholic beverages are delivered to the purchaser at a place designated by the purchaser other than the premises of the licensee.

(c) Cash deposits for returnable containers shall be required at the time of delivery or sale.

(d) For the purposes of this section and of § 12-112 of this article which relate to this county, in addition to currency, checks accepted for payment which are not postdated and are promptly deposited for collection by the licensee shall also be deemed to be cash. Any check given in payment for alcoholic beverages to any licensee, which is returned uncollected, is prima facie evidence in any civil case of a violation of this section.

(e) A suit or action ex contractu to enforce or collect any claim for credit extended, or to enforce payment of any check given for payment for alcoholic beverages in violation of this section, may not be maintained in this State.

(f) This section and § 12-112 of this article which relate to this county do not apply to any:

(1) "Hotel", as defined by § 1-102(a)(10) of this article, which is the holder of a Class B beer, wine and liquor license; and

(2) "Club", as defined by § 1-102(a)(4) of this article which is the holder of a Class C beer, wine and liquor license.

(g) A holder of any license authorizing the sale of alcoholic beverages at retail may not pledge any business or business property, real or personal, which pertains to or

is related to the business so licensed as collateral for any loan or loans exceeding \$1,000 in the aggregate, to which any person or persons, business or corporation dealing in, manufacturing or distributing vending machines, vending devices, pinball machines or music boxes is a party.

(h) Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$500 or to imprisonment for not more than six months, or both fined and imprisoned.

§12-224.

(a) (1) In Worcester County it is unlawful for any licensee under this article to employ any person under the age of 18 years in the sale of alcoholic beverages, unless a permit is obtained from the Sheriff and State's Attorney of Worcester County.

(2) Except for events catered by a licensee holding a caterer's license a retail alcoholic beverages licensee in Worcester County may not deliver any alcoholic beverages outside of the licensed premises.

(b) Any person who violates the provisions of this section shall be fined not more than \$200 or sentenced to jail for up to one year, or be both fined and imprisoned.

§12-224.1.

(a) The provisions of this section apply only in Worcester County.

(b) The Board of License Commissioners may regulate the time and noise level of the playing of mechanical music boxes, live music, and sound making devices that are used on licensed premises where the sound disturbs the peace, tranquility, safety, and health of the surrounding neighborhood.

(c) The music played on a licensed premises may not exceed the noise level limits under § ZS 1-327 of the Code of Public Local Laws of Worcester County or the noise level limits of the municipal corporation in which the licensed premises is located.

(d) If the Board of License Commissioners finds a licensed premises in violation of this section, the Board may:

- (1) Require the licensee to alter the time that the music is played;
- (2) Require the licensee to reduce the noise level; or
- (3) Take any other action that is authorized under this article.

§12-301.

(a) (1) A retail dealer may not employ any solicitor or salesman for the purpose of soliciting, outside of the licensed place of business, orders for the sale of

any alcoholic beverages within this State.

(2) The sale of alcoholic beverages may not be consummated outside of the licensed place of business.

(3) These provisions do not prohibit the receiving of orders by mail, telephone or messenger and the filling of such orders by delivery and the payment for them at the place of delivery.

(b) Retail delivery to a purchaser of any alcoholic beverages is prohibited unless:

(1) The delivery is made from the retail licensed premises by the retail license holder or employee of the retail license holder authorized to sell and distribute alcoholic beverages by the local licensing authority in the jurisdiction where the delivery is made; and

(2) The retail license holder obtains a letter of authorization from the local licensing authority to make deliveries and complies with any regulations promulgated by the local licensing authority pertaining to those deliveries.

(c) (1) This subsection applies only in Howard County.

(2) An alcoholic beverages licensee may not make a retail delivery of alcoholic beverages unless the purchaser:

(i) Is physically present on the licensed premises when the purchaser orders the alcoholic beverages; and

(ii) Makes payment for the purchase at the time of the order.

(d) (1) This subsection applies only in Montgomery County.

(2) An alcoholic beverages licensee may not make an off-site retail delivery of alcoholic beverages unless:

(i) The deliverer is at least:

1. 21 years old; or

2. 18 years old and is accompanied by a supervisor who is at least 21 years old; and

(ii) The person taking possession of the delivery provides the deliverer with written certification supported by documentary proof that the person is of legal age to purchase alcoholic beverages. Certification shall be in the form set forth in § 12-109(1) of this article.

(3) (i) Each certification executed under this subsection shall be retained by the licensee for at least 1 year.

(ii) The certifications shall be available for examination during regular business hours by an authorized representative of the Board of License Commissioners.

(4) The Board of License Commissioners shall adopt regulations to implement this subsection.

(e) (1) This subsection applies only in Garrett County.

(2) The Board of License Commissioners may issue a delivery option that entitles an alcoholic beverages licensee or an authorized employee of the licensee to make an off-site retail delivery of alcoholic beverages if:

(i) The deliverer is at least 21 years old and certified by an approved alcohol awareness program;

(ii) The deliverer and purchaser endorse a delivery form that the Board of License Commissioners approves certifying that:

1. The person who receives the delivery claims to be at least 21 years old, and the claim is supported by documentary proof;

2. The person who receives the delivery knows that it is a criminal offense for alcoholic beverages to be furnished to a person under the age of 21 years; and

3. The deliverer examined the purchaser's identification.

(3) Each delivery form endorsed under paragraph (2)(ii) of this subsection shall be submitted to the Board of License Commissioners on or before the 10th day of the following month.

(4) (i) The annual fee for a delivery option is \$150.

(ii) In addition to an annual fee, the Board of License Commissioners shall charge an issuing fee of \$150.

(5) The Board of License Commissioners shall adopt regulations to carry out this subsection.

(f) This section does not apply to:

(1) The delivery of wine from a direct wine shipper to a consumer using a common carrier in accordance with Title 7.5 of this article; or

(2) The holder of a common carrier permit in the course of delivering directly shipped wine in accordance with Title 7.5 of this article.

§12-302.

(a) Unless provision is made elsewhere, the following provisions apply statewide to persons who are employed in licensed establishments:

(1) A person under age 18 may not be engaged in the sale of alcoholic beverages.

(2) Except for Class D beer, wine and liquor licensees as provided in paragraph (3) of this subsection, a person between ages 18 and 21 may be employed in the sale of beer and light wine.

(3) A person under age 21 may not be employed by any holder of a Class D beer, wine and liquor license in the sale of alcoholic beverages.

(4) A person 18 years old and older may be employed by a Class A licensee to operate a lottery ticket terminal.

(b) In the following jurisdictions the specified exceptions to subsection (a) of this section apply:

(1) In Anne Arundel County a Class A (off-sale) licensee may employ a person age 16 years or older to stock alcoholic beverages.

(2) In Baltimore City a licensee:

(i) May employ a person 18 years of age or older to sell, serve, deliver, or otherwise deal with alcoholic beverages;

(ii) May not employ or allow a person under the age of 18 years to sell, serve, or deliver alcoholic beverages; and

(iii) May not employ or allow a person under the age of 18 years to provide entertainment on the licensed premises.

(3) In Baltimore County a member of an alcoholic beverages licensee's immediate family who is under 18 years old may not be employed to sell, deliver, or otherwise deal with alcoholic beverages by the holder of an alcoholic beverages license.

(4) (i) The provisions of this paragraph apply only in Carroll County.

(ii) Class B licensees may employ a person 15 years or older to perform any task other than those involving selling, serving, or delivering alcoholic beverages.

(iii) A person 18 years old or older may serve, sell, or deliver alcoholic beverages in restaurants.

(iv) Class A licensees may employ a person 18 years old and older to

stock alcoholic beverages and to operate a lottery ticket terminal.

(v) A person under 21 years of age may not act as a bartender or barmaid or in any solely bar-related capacity.

(5) In Cecil County a licensee may employ a person 18 years old or older to sell, serve, deliver, or otherwise deal with alcoholic beverages.

(6) In Dorchester County the holder of a Class A (off-sale) beer license may employ a person 16 years old or older to stock beer at the licensee's place of business.

(7) Notwithstanding the other provisions of this section, in Frederick County a licensee may employ a person 18 years of age or older to sell, serve, deliver, or otherwise deal with alcoholic beverages and may employ a person 14 years of age or older to perform any other task other than to sell, serve, or deliver alcoholic beverages.

(8) (i) The provisions of this paragraph apply only in Garrett County.

(ii) Except as provided in subparagraph (iii) of this paragraph, a licensee may not employ a person under the age of 21 years to sell or deliver alcoholic beverages.

(iii) A licensee may employ a person at least 18 years old to:

1. Serve and sell alcoholic beverages in a restaurant in connection with the serving or selling of a meal;

2. Serve alcoholic beverages from a service bar to a seated customer; or

3. Operate a lottery ticket terminal in a Class A establishment.

(iv) A licensee may not employ a person under the age of 18 years to handle alcoholic beverages.

(9) In Kent County the provisions of subsection (c) of this section apply.

(10) In Prince George's County a person under age 18 years may not be employed to sell, deliver, or otherwise deal with alcoholic beverages.

(11) In Queen Anne's County the provisions of subsection (c) of this section apply.

(12) In Washington County a licensee may employ a person 18 years of age or older to sell, serve, deliver, or otherwise deal with alcoholic beverages and may employ a person 16 years of age or older to perform any other task other than to sell, serve, or deliver alcoholic beverages.

(13) In Wicomico County, an individual who is at least 16 years old and has a work permit may be employed at a licensed premises to stock alcoholic beverages or clear tables and bar areas.

(c) (1) Notwithstanding any other provision of law, and except as provided by paragraph (2) of this subsection, a person under the age of 21 may not be employed to sell, deliver, or otherwise deal with alcoholic beverages by any of the holders of the licenses listed by county in paragraph (3) of this subsection.

(2) A person at least 18 years of age may be employed:

(i) To stock alcoholic beverages in a Class A establishment;

(ii) Except for Class A licenses, to serve alcoholic beverages while acting in the capacity of a waiter or waitress on the licensed premises; or

(iii) To operate a lottery ticket terminal in a Class A establishment.

(3) The provisions of this subsection apply within Kent and Queen Anne's counties to the holder of any:

(i) Class A (off-sale) license;

(ii) Class B (on-sale) license; and

(iii) Class C (on-sale) beer, wine and liquor license.

§12-303.

(a) In Kent and Wicomico counties, it is unlawful for any person not designated under § 1-102(a)(6) of this article to loaf, loiter, or to be a nuisance on any premises for which a Class B or Class D beer license has been issued, and for any licensee, agent, servant, or employee to permit any person not designated under § 1-102(a)(6) of this article to loaf or loiter on the premises.

(b) Any person who violates this section shall be punished by a fine not to exceed two hundred dollars (\$200.00) or by imprisonment not to exceed one year, or both.

§13-101.

(a) In this section "alcohol awareness program" means a program:

(1) That:

(i) Is approved and certified by the State Comptroller; and

(ii) Has been issued an alcohol awareness program permit by the State Comptroller;

- (2) That includes instruction on how alcohol affects a person's:
 - (i) Body; and
 - (ii) Behavior;
 - (3) That provides education on the dangers of drinking and driving; and
 - (4) That defines effective methods for:
 - (i) Serving customers to minimize the chance of intoxication;
 - (ii) Ceasing service before the customer becomes intoxicated; and
 - (iii) Determining if a customer is under the drinking age.
- (b) (1) The provisions of this section apply to:
- (i) Licensed premises that are operated by selling alcoholic beverages directly to a customer from a bar or service bar on the premises;
 - (ii) Premises licensed for off sale;
 - (iii) In Montgomery County, a holder of a caterer's license issued under § 6–706.1 of this article; and
 - (iv) In Baltimore City, an establishment covered under § 20–102(a) of this article.
- (2) This section does not apply to:
- (i) Temporary alcoholic beverages licenses issued under § 7–101 of this article;
 - (ii) A Class E (on–sale) steamboat alcoholic beverages license;
 - (iii) A Class F (on–sale) railroad alcoholic beverages license; or
 - (iv) A Class G (on–sale) aircraft alcoholic beverages license.
- (c) (1) A holder of any class of retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program. The training shall be valid for a period of 4 years, and the holder shall complete retraining in an approved program for each successive 4–year period.
- (2) (i) This paragraph applies only in the following jurisdictions:
- 1. Howard County;

2. Montgomery County;
3. Kent County;
4. Washington County;
5. Caroline County;
6. Frederick County; and

7. Except as provided in subparagraph (ii) of this paragraph, Wicomico County and Worcester County.

(ii) This paragraph does not apply to a licensee in Wicomico County or Worcester County with a Class C license.

(iii) The licensee or a person who is employed in a supervisory capacity designated by the licensee:

1. Shall be certified by an approved alcohol awareness program; and

2. Except as otherwise provided in subparagraph (iv) of this paragraph, be present during the hours in which alcohol may be sold.

(iv) 1. In Howard County, Kent County, Washington County, Wicomico County, and Worcester County, the person certified by an approved alcohol awareness program may be absent from the licensed premises for a bona fide personal or business reason or an emergency, if the absence lasts for not more than 2 hours.

2. In Caroline County, the person certified by an approved alcohol awareness program may be absent from the licensed premises for a bona fide emergency, if the absence lasts for not more than 2 hours.

3. In Frederick County, the person certified by an approved alcohol awareness program may be absent from the licensed premises for an emergency that meets standards that the Board of License Commissioners sets by regulation, if the absence lasts for not more than 2 hours.

4. The Board of License Commissioners shall require the licensee to keep a log book on the licensed premises that contains documentation of each temporary absence, the length of time of the absence, and the reason for the absence, in the form required by the Board of License Commissioners.

(3) (i) This paragraph applies only in Harford County.

(ii) The licensee or a person who is employed in a supervisory capacity designated by the licensee shall be certified by an approved alcohol awareness

program and shall be present during the hours in which alcohol may be sold.

(4) (i) This paragraph applies only to an establishment covered under § 20–102(a) of this article, in Baltimore City.

(ii) Any bottle club owner or person who is employed in a supervisory capacity designated by the owner shall be certified by an approved alcohol awareness program and shall be present during the hours in which alcohol is served or consumed.

(d) Any licensee who violates the provisions of subsection (c) of this section is subject to:

(1) For the first offense, a \$100 fine; and

(2) For each subsequent offense, a fine not to exceed \$500 or a suspension or revocation of the license or both.

(e) (1) The State Comptroller:

(i) Shall approve and certify each alcohol awareness program that is in compliance with this section; and

(ii) May require recertification of the approved program to insure compliance with any changes in the program.

(2) Any individual who is authorized or employed to teach an alcohol awareness program must obtain an alcohol awareness instructor's permit.

(3) Each local licensing board is responsible for enforcing this section, including the penalty provision.

(4) (i) A certificate of completion shall be issued for each completion of a certified program and it shall be valid for 4 years from the date of issuance.

(ii) An up-to-date valid certificate shall be presented to the proper authority upon request.

(5) (i) Within 5 days after a licensee, bottle club owner, or an employee of a licensee or bottle club owner is sent a certificate of completion, the program provider shall inform the appropriate local licensing board of:

1. The individual's name, address, and certification date; and

2. The name and address of the licensed establishment.

(ii) Any program provider who violates the provisions of this subsection is subject to a decertification of the program by the State Comptroller.

(f) (1) This section may not be construed to create or enlarge any civil cause

of action or criminal proceeding against a licensee.

(2) Evidence of a violation of this section may not be introduced in any civil or criminal proceeding, but may only be used as evidence before the local licensing board in actions brought before the board for violations of this section.

(g) The Comptroller may issue regulations to set standards and requirements pertaining to course content, course duration, course format and any other course related activities the Comptroller may require.

(h) (1) This subsection applies only in Dorchester County.

(2) A certificate of completion of a certified alcohol awareness program held by an employee or an employee's employer may not be used at more than one licensed establishment.

§14-101.

(a) Repealed.

(b) In Garrett County no retail license which has been refused, suspended or revoked after July 1, 1971, shall be granted until the applicant shall have executed a bond to the State of Maryland in the penal sum of one thousand dollars (\$1,000.00), with two sufficient sureties to be approved by the Liquor Control Board of Garrett County, conditioned for the faithful observance of all laws of this State relating to the sale or furnishing of beer, or other alcoholic beverages and to pay all costs, fines, and penalties which may be imposed upon him or them on any warrant or indictment for violation of this article or any other act of assembly relating to selling or furnishing beer or any other alcoholic beverage in Garrett County, and the said bond when so approved shall be deposited with the Board of License Commissioners who shall record the same in a book to be kept by it for that purpose, and the record thereof, or a duly certified copy, shall be evidenced in any court of law.

(c) In Harford County no retail license which has been previously refused, suspended or revoked, shall be granted until the applicant shall have executed a bond to the State of Maryland in the penal sum of \$1,000, with a corporate surety to be approved by the Liquor Control Board of Harford County, conditioned upon the faithful observance of all the laws of this State, general or local, and the regulations of the Board, controlling or affecting the sale of alcoholic beverages, and to pay all costs, fines and penalties which may be imposed upon the applicant, on any warrant or indictment for violation of this article or any other act of assembly or regulation of the Board relating to selling or furnishing alcoholic beverages in Harford County. The bond, when so approved, shall be deposited with the Board and recorded in a book to be kept for that purpose, and the record thereof, or a duly certified copy, shall be evidence in any court of record. If this bond has been provided for one calendar year and the Liquor Control Board finds that the licensee has complied faithfully with the terms thereof, then thereafter the Liquor Control Board may in its discretion waive the

requirements of posting bond under this section. In the event of the failure to observe the terms of the bond and after due notice, the Liquor Control Board may file a petition for a forfeiture with the Circuit Court for Harford County. If the circuit court declares it forfeited, the bond shall belong to the Liquor Control Board. In lieu of the foregoing bond, the Liquor Control Board of Harford County may, in its discretion, accept \$1,000 cash money, the deposit of the same to be deposited, conditioned, recorded and, if deemed advisable, waived. The Board may also, in its discretion, subsequently accept a bond as aforesaid in substitution of the cash money deposit.

§14-201.

Every person, who within this State, shall manufacture, rectify, blend, import, distribute, transport, store, warehouse, sell or offer for sale alcoholic beverages, or who is the holder of a license permitting the doing of any such acts, shall keep complete and accurate records of all alcoholic beverages purchased, sold, manufactured, rectified, blended, improved, brewed, fermented, distilled, produced, stored, warehoused, withdrawn from storage, imported or transported, and report (under oath if the Comptroller deems advisable) at any time, and from time to time, upon written request of the Comptroller, on forms prescribed by the Comptroller, any information relating to alcoholic beverages for which the records prescribed by this section are required to be kept. Such records shall be of a kind and in the form prescribed by the Comptroller and shall be safely preserved for two (2) years in such a manner as to insure permanency and accessibility for inspection by the Comptroller or any duly authorized employee of said Comptroller during all regular business hours. All records of license holders shall be kept and maintained at the location designated in the license and shall be available for audit or inspection by the Comptroller or his duly authorized representative during all regular business hours. Provided, however, where a person is permitted to have more than one location the records may be kept at the principal location. In addition to the other penalties provided by this article, the Comptroller shall have power to suspend immediately, without a hearing, for a period not exceeding thirty days, the license of any licensee who shall fail to comply with the provisions of this section, and such license may be further suspended or revoked after hearing, as elsewhere in this article provided.

§14-202.

(a) Every common carrier, by rail, air, water or highway, transporting alcoholic beverages, either in interstate or intrastate commerce, to points within the State of Maryland, and every person transporting alcoholic beverages by any means within the State of Maryland, shall at any time and from time to time, upon written request of the Comptroller, report under oath on forms prescribed by the Comptroller, all such consignments or deliveries of alcoholic beverages, for such period as the Comptroller may specify.

(b) If required by the Comptroller, the reports shall show:

(1) The name and address of the person to whom the deliveries of alcoholic

beverages have actually and in fact been made;

(2) The name and address of the original consignee, if alcoholic beverages have been delivered to any other person than the originally named consignee;

(3) The point of origin, the point of delivery, the date of delivery and the number and initials of each car, if shipped by rail, the name of the boat, barge or vessel, if shipped by water, the license number of each truck, if shipped by motor truck, or if delivered by other means, the manner in which the delivery was made;

(4) The kind of alcoholic beverages and the number of gallons of each contained in any such shipment or shipments; and

(5) Any other additional information relative to shipments that the Comptroller may require.

(c) Nothing in this section may be construed to authorize:

(1) The consignment of alcoholic beverages from any point outside of the State to points within the State of Maryland, to any person except:

(i) The holder of a permit or manufacturer's or wholesaler's license, duly issued under this article; or

(ii) A consumer under Title 7.5 of this article; or

(2) The consignment of alcoholic beverages from any point within this State to a point outside the State, to any person not authorized to receive the same under the law of the point of destination.

§14-203.

The Comptroller shall include in his annual reports statements giving statistical information as to the alcoholic beverages business in this State, which, in his opinion, shall be of interest to the public and industry; it being the intent and purpose of this section to furnish a basis for annual comparison as to the scope of the industry in Maryland, and the consuming habits of Maryland residents.

§14-204.

(a) The Comptroller, local licensing boards, and license issuing authorities shall severally keep an accurate record of every license issued or approved by them, respectively, under this article. The Comptroller and boards shall also keep an accurate record of all revocations, suspensions and cancellations of licenses and of all restrictions imposed upon any license, with a brief notation as to the cause for such action, and the boards shall in each case, forthwith report the same to the Comptroller. Such records shall be open to inspection at the respective offices of the Comptroller, board, or license issuing authority during regular business hours, by any person.

(b) The records of licenses which are required to be maintained by subsection (a) of this section, and any indices or dockets created pursuant thereto, shall be retained for a period of three (3) years following the date of the last record entry therein and until all audit requirements have been complied with, and thereafter may be destroyed after compliance with the provisions of Title 10, Subtitle 6, Part III of the State Government Article.

§15-101.

(a) (1) For the jurisdictions in which this section is effective, the Governor, biennially, by and with the advice and consent of the Senate, if in session, and if not in session, then the Governor alone, shall appoint three persons who shall constitute and be styled "The Board of License Commissioners for Baltimore City or County", as the case may be.

(2) In making the appointments, the Governor shall designate one of the appointees in Baltimore City and each of the counties to be the chairman of the respective boards.

(3) The commissioners shall be residents and voters of Baltimore City or the respective counties, as the case may be, and they shall be persons of high character and integrity and of recognized business capacity.

(4) In the case of any vacancies in the number of the license commissioners in Baltimore City or in any county which occur when the legislature is not in session, the Governor shall appoint some eligible person to fill the vacancy during the remainder of the term of office of the person originally appointed.

(b) (1) This subsection applies only in Allegany County.

(2) Appointments shall be for terms of 6 years each. The terms of the members are staggered as required by the terms of the members of the Board on January 1, 1994.

(3) Two of the members of the Board of License Commissioners shall be members of that political party which at the last preceding general election in Allegany County polled the greatest number of votes in the aggregate for the several offices of County Commissioner therein. The third member of the Board of License Commissioners shall be a member of that political party which at the last preceding general election in Allegany County polled the second highest number of votes in the aggregate for the several offices of County Commissioner therein.

(c) (1) In Anne Arundel County not more than two members of the Board of License Commissioners shall belong to the same political party.

(2) The provisions of § 15-107 of this article apply in the City of Annapolis.

(d) (1) This subsection applies in Baltimore City.

(2) (i) The Board of Liquor License Commissioners consists of three regular members and one alternate member.

(ii) The Governor shall appoint all of the members of the Board.

(iii) The appointments shall be made:

1. If the Senate is in session, with the advice and consent of the Senate; or

2. If the Senate is not in session, by the Governor alone.

(iv) The alternate member may serve on the Board if any permanent member of the Board is absent or recused.

(v) Each appointee shall be a resident and voter of Baltimore City and be an individual of high character and integrity and of recognized business capacity.

(vi) At least one appointee shall be a member of the Bar of the Court of Appeals of Maryland.

(3) (i) The term of a member of the Board is 2 years and begins on July 1.

(ii) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2014.

(iii) At the end of a term, a member continues to serve until a successor is appointed.

(iv) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(e) The provisions of § 15-104 of this article apply in Baltimore County.

(f) (1) In Calvert County, 1 regular member of the Board shall always be a member of that political party which at the last preceding gubernatorial election polled the second highest number of votes throughout the State for that office.

(2) (i) In addition to the regular members appointed to the Board, the Governor shall appoint an alternate Board member.

(ii) The alternate Board member's term shall run concurrently with the terms of the regular members serving in office on July 1, 1986.

(iii) The alternate Board member serves on the Board in the absence of a regular Board member.

(iv) When serving on the Board, the alternate Board member has all of the powers and responsibilities of a regular Board member.

(g) (1) This subsection applies only in Caroline County.

(2) The members of the Liquor Control Board constitute the Board of License Commissioners.

(3) The term of office for the members of the Board is 3 years.

(4) Appointments to the Board shall be made by the Governor with the advice and consent of the House of Delegates, if in session, and if not in session, the Governor shall make the appointments which shall continue in force until the end of the next session of the General Assembly.

(5) (i) A substitute member of the Board shall be appointed by the Governor with the advice and consent of the House of Delegates, if in session, and if not in session the Governor shall make the appointment which shall continue in force until the end of the next session of the General Assembly.

(ii) The term of office of the substitute member shall be 3 years from the first Monday in May.

(iii) In the event of the temporary or permanent incapacity, from any cause, of a regular member of the Board, or in the event of a vacancy from any cause on the regularly constituted Board, the substitute member upon the request of the chairman or the majority of the Board shall serve in the place of the regular member so incapacitated or causing the vacancy until the incapacity has terminated or the vacancy has been filled.

(iv) While serving, the substitute member has all the powers and authority and is subject to all the duties imposed by law upon a regularly appointed member of the Board.

(h) The provisions of § 15-104 of this article apply in Carroll County.

(i) The provisions of § 15-104 of this article apply in Cecil County.

(j) The provisions of § 15-104 of this article apply in Charles County.

(k) The provisions of § 15-105 of this article apply in Dorchester County.

(l) The provisions of § 15-103 of this article apply in Frederick County.

(m) The provisions of § 15-108 of this article apply in Garrett County.

(n) The provisions of § 15-201(c)(6) of this article apply in Harford County.

(o) Repealed.

(p) The provisions of § 15-105 of this article apply in Kent County until the Board of County Commissioners passes the resolution for which provision is made by Chapter 236 of the Acts of the General Assembly of 1991.

(q) The provisions of § 15-104 of this article apply in Montgomery County.

(r) (1) This subsection applies in Prince George's County.

(2) (i) The Board of License Commissioners consists of 5 members.

(ii) The Governor shall appoint 4 of the 5 Commissioners from the political party obtaining the highest number of votes in the last gubernatorial general election in the county, and the Governor shall appoint 1 Commissioner from the political party obtaining the next highest number of votes in the county election.

(iii) Before making the appointments or filling any vacancy, the Governor shall request the central committees for Prince George's County representing each of the 2 leading political parties of the State to designate at least 4 eligible candidates for each position; and the Governor shall appoint one of the persons so designated unless in his judgment all of the persons are unfit or incompetent, in which case he shall file a written statement to that effect with the Secretary of State. The statement shall set forth the facts and the grounds therefor and shall call upon the committees for Prince George's County for another list of 6 names for each position to be filled, from which list and the original list the Governor shall make the appointments.

(3) The term of a member is 3 years. The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 1985.

(4) Not more than 4 of the appointees shall belong to the same political party.

(s) The provisions of § 15-104 of this article apply in Queen Anne's County.

(t) The provisions of § 15-102 of this article apply in St. Mary's County.

(u) (1) The provisions of this subsection apply only in Somerset County.

(2) The Governor shall appoint three persons who constitute the Board of License Commissioners and who hold office for terms of 2 years each.

(3) The appointments are subject to confirmation by the Senate of Maryland.

(4) One of the members of the Board shall be designated as its chairman, and not more than two members of the Board shall belong to the same political party.

(v) In Talbot County the appointments shall be for terms of 6 years. The Board

shall organize by electing its own chairman.

(w) (1) The provisions of this subsection apply only in Washington County.

(2) All terms shall be for 6 years and the terms of the members are staggered as required by the terms of the members of the Board on January 1, 1994.

(3) No more than two of the appointees shall belong to the same political party.

(x) (1) This subsection applies only in Wicomico County.

(2) The Governor shall appoint three persons, subject to the advice and consent of the Senate, who constitute the Board of License Commissioners.

(3) (i) The term of a member is 4 years.

(ii) The terms of members continue to be staggered as required by the terms provided for members of the Board on July 1, 1994.

(iii) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(iv) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(4) One of the members of the Board shall be designated as its chairman.

(y) (1) This subsection applies only in Worcester County.

(2) (i) The Governor shall appoint three persons who constitute the Board of License Commissioners and who hold office for terms of 4 years each.

(ii) The terms of the members are staggered as required by the terms of the members of the Board on January 1, 1994.

(3) The appointments are subject to confirmation by the Senate of Maryland.

(4) One of the members of the Board shall be designated as its chairman.

(5) (i) In addition to the regular members appointed to the Board, the Governor shall appoint an alternate Board member.

(ii) The alternate Board member's term shall run concurrently with the term of the regular members.

(iii) The alternate Board member shall serve on the Board in the absence of a quorum of the regular members due to illness or conflict of interest.

(iv) When serving on the Board, the alternate Board member has all of the powers and duties of a regular Board member.

§15-102.

(a) (1) There is a Board of License Commissioners in St. Mary's County known as the Alcohol Beverage Board of St. Mary's County.

(2) The Board consists of 5 members.

(3) The Governor with the advice and consent of the Senate, shall appoint the members of the Board as follows:

(i) 1 shall be appointed from each of the County Commissioner districts; and

(ii) 1 shall be appointed at large.

(4) To qualify for appointment to the Board a person:

(i) Shall be of good moral character and integrity;

(ii) Shall be at least 21 years of age; and

(iii) Shall be a resident of the Commissioner district at the time of appointment and during the term of office.

(5) (i) Except for the new Board appointed in accordance with this section, the term of a member is 4 years.

(ii) The terms of the members are staggered as required by the terms provided for members of the Board on January 1, 1986.

(iii) A member appointed to fill a vacancy shall serve the remainder of the unserved term. A member so appointed is eligible to serve the next consecutive term if otherwise qualified and appointed.

(iv) A member may not serve more than 2 consecutive terms.

(6) (i) The Governor may remove a member for incompetence, misconduct, or willful neglect of a duty required by law.

(ii) The removal procedure is as provided in § 15-110 of this article.

(b) The member who is appointed at large is the Chairman.

(c) (1) A majority of the members serving on the Board is a quorum.

(2) The Board shall meet a minimum of once a month.

(3) All hearings held by the Board shall be open to the public.

(4) The Board may appoint advisory committees composed of responsible persons in the county to advise the Board on matters relating to the administration of the alcoholic beverages laws.

(d) The County Commissioners:

(1) Shall set the annual salary for the Chairman and each member of the Alcoholic Beverage Board; and

(2) Shall provide for the reasonable and necessary expenses of the Alcoholic Beverage Board.

(e) (1) The Board shall appoint an attorney for the Board.

(2) The County Commissioners shall set the annual salary for the attorney.

(f) (1) The Board shall appoint an inspector.

(2) The County Commissioners shall set the salary of the inspector.

(3) An inspector shall:

(i) Possess the power of a peace officer of this State in respect to the enforcement of the alcoholic beverages laws of St. Mary's County; and

(ii) Have the duties that the Board prescribes.

(g) (1) The Board shall appoint an administrator.

(2) The administrator shall carry out the duties assigned by the Board.

(3) The County Commissioners shall set the salary of the administrator.

(4) The County Commissioners may assign clerical assistance as is necessary to carry out the duties of the Board.

(h) (1) (i) A member may not have any interest, direct or indirect, either proprietary or by means of any loan, mortgage or lien, in or to any premises where alcoholic beverages are manufactured or sold; nor shall he have any interest, direct or indirect, in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages, or own any stock in any corporation which has any interest, proprietary or otherwise, direct or indirect, in any premises where alcoholic beverages are manufactured or sold or in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages, or hold any elective public office or employment.

(ii) A person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, any agent or employee of that person or corporation, and any licensee licensed under the provisions of this article may not, either directly or indirectly, offer to pay any commission, profit or remuneration or make any gift to any member or Board employee or to anyone on behalf of such members or Board employee.

(2) Violations of this subsection are a misdemeanor punishable by a fine of not more than \$1,000.

§15–103.

- (a) (1) There is a Board of License Commissioners in Frederick County.
- (2) The Board consists of 3 members.
- (3) The Governor shall appoint the members of the Board.
- (4) To qualify for appointment to the Board, a person:
- (i) Shall be of good moral character and integrity;
 - (ii) Shall reasonably reflect the citizenry of the county; and
 - (iii) Shall be a registered voter of the county and shall continue to be a registered voter of the county during the person's term of office.
- (5) The term of a member is 5 years.
- (6) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 1989.
- (7) A member who is appointed after a term has begun serves only until a successor is appointed and qualifies.
- (8) The Governor may remove a member for incompetence, misconduct, neglect of a duty required by law, unprofessional conduct, or dishonorable conduct.
- (9) The removal procedure is as provided in this article.
- (b) From among its members, the Board shall elect a chairperson.
- (c) (1) A majority of the members then serving on the Board is a quorum.
- (2) The Board shall meet at least once a month.
- (3) The chairperson of the Board shall receive an annual compensation of \$7,000 and be reimbursed for reasonable expenses.
- (4) The members shall receive an annual compensation of \$6,500 and be

reimbursed for reasonable expenses.

(d) (1) The Board may appoint:

(i) One chief alcoholic beverages inspector; and

(ii) Not more than:

1. One full-time alcoholic beverages inspector in addition to the chief alcoholic beverages inspector; or

2. Two part-time alcoholic beverages inspectors.

(2) To qualify for appointment as an alcoholic beverages inspector of any type, a person shall:

(i) Be of high moral character; and

(ii) Possess a sound reputation for sobriety, honesty, and integrity.

(3) An alcoholic beverages inspector of any type shall:

(i) Possess the power of a peace officer of the State with respect to the enforcement of the alcoholic beverages laws of Frederick County;

(ii) Make monthly reports in writing to the Board covering the activities and setting forth any complaints or violations that may have been observed or reported;

(iii) Assist the Board in enforcing the alcoholic beverages laws; and

(iv) Have any other duties that the Board may require.

(4) In addition to the duties listed in paragraph (3) of this subsection, the chief alcoholic beverages inspector shall determine the hours and assignments of all alcoholic beverages inspectors.

(5) An alcoholic beverages inspector of any type shall:

(i) Receive the compensation set by the governing body of the County and provided for in the county budget;

(ii) Be reimbursed for reasonable expenses; and

(iii) Receive reimbursement for mileage at the standard rate set by the governing body of the County.

(6) Reimbursement for mileage does not include travel to and from the inspector's home and office.

(e) The chairperson of the Board, with the approval of the governing body of the County, may employ the clerical assistants necessary to carry out the duties of the Board and the salary of the clerical assistants shall be set by the governing body of the County and provided for in the county budget.

(f) (1) (i) A Commissioner, the chief alcoholic beverages inspector, a full-time alcoholic beverages inspector, a part-time alcoholic beverages inspector, or an employee of the Board may not:

1. Have any interest, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or in any other manner, in or to any premises where alcoholic beverages are manufactured or sold;

2. Have any interest, directly or indirectly, in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages; or

3. Own any stock in any corporation which has any interest, proprietary or otherwise, directly or indirectly, in any premises where alcoholic beverages are manufactured or sold or in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages, or hold any other public office or employment.

(ii) A Commissioner, the chief alcoholic beverages inspector, a full-time alcoholic beverages inspector, a part-time alcoholic beverages inspector, or an employee of the Board may not solicit or receive, directly or indirectly, any commission, remuneration, or gift whatsoever from any person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, from any licensee, licensed under the provisions of this article.

(iii) A person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, any agent or employee of that person or corporation, and any licensee licensed under the provisions of this article may not, directly or indirectly, offer to pay any commission, profit, or remuneration or make any gift to any Commissioner, the chief alcoholic beverages inspector, a full-time alcoholic beverages inspector, a part-time alcoholic beverages inspector, or an employee of the Board.

(2) Violations of this subsection are a misdemeanor punishable by a fine of not more than \$1,000.

§15-104.

(a) (1) In Carroll County, the Board of County Commissioners shall appoint three persons, designating one of them as chairman, who shall constitute the Board of License Commissioners for said county; the first member of the Board to be appointed for one, two and three year terms, respectively and their successors thereafter for terms of three years each. The Board shall meet at least once a month.

(2) (i) The Carroll County Board of County Commissioners shall

appoint 1 additional member to the Board of License Commissioners to serve as a substitute member in the event that any of the regular members are absent or incapacitated.

(ii) The Carroll County Commissioners shall set the additional member's salary on a per diem basis and provide a term of office for that member.

(a-1) (1) In Cecil County, the Board of County Commissioners shall appoint three persons, all of whom are to be of high moral character and possess a sound reputation for integrity, to constitute the Board of License Commissioners for the county.

(2) The members of the Board shall designate their own chairman.

(3) (i) The members of the Board shall be appointed for 3-year staggered terms.

(ii) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(iii) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(4) The Board of License Commissioners shall meet at least once a month.

(b) (1) (i) In Charles County, the Board of County Commissioners shall appoint five persons, who constitute the Board of License Commissioners for the county.

(ii) 1. Each member of the Board shall be a registered voter of the county.

2. Of the Board members, at least one member shall be appointed from each of the County Commissioner districts, and one member shall be appointed at large.

3. Preferably, at least one of the Board members shall have some familiarity or experience with the alcoholic beverages industry prior to the time of appointment.

(iii) 1. Each member of the Board serves a term of 4 years, except that the initial term of one member authorized on October 1, 1993 shall be for 2 years.

2. A member may not serve more than two consecutive terms.

3. The terms of members are staggered as required by the terms provided for members on October 1, 1993.

(iv) The Board annually shall elect one of its members as chairman. A person may serve no more than 2 consecutive years as chairman.

(v) Three members of the Board constitute a quorum for transacting business. At least three members who are present at the hearing concerning an alcoholic beverages license must concur in the approval, denial, revocation, suspension, or reclassification of that license.

(vi) The Board shall meet at least once a month.

(2) (i) No Commissioner shall have any interest, direct or indirect, either proprietary or by means of any loan, mortgage or lien, or in any other manner, in or to any premises where alcoholic beverages are sold; nor shall he have any interest, direct or indirect, in any business wholly or partially devoted to the sale of alcoholic beverages, or own any stock in any corporation which has any interest, proprietary or otherwise, direct or indirect, in any premises where alcoholic beverages are sold or in any business wholly or partially devoted to the sale of alcoholic beverages, or hold any other public office or employment.

(ii) No Commissioner shall solicit or receive directly or indirectly, any commission, remuneration or gift whatsoever from any person, or corporation engaged in the sale of beer or other alcoholic beverages, nor from any agent or employee of such person or corporation, or from any licensee, licensed under the provisions of this article. No person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, nor any agent or employee of such person or corporation, and no licensee licensed under the provisions of this article, shall, either directly or indirectly, offer to pay any commission, profit or remuneration or make any gift to any Commissioner to anyone on behalf of such Commissioners.

(iii) A License Commissioner violating the provisions of this paragraph shall be removed from this appointed office.

(c) (1) In Montgomery County, the Board of License Commissioners consists of 5 members, appointed by the county executive, subject to confirmation by the county council.

(2) Each member of the Board serves a term of 4 years, except that the term of one member who is appointed or reappointed to fill one of the terms expiring in 1983 shall be for 3 years, and 4 years thereafter.

(3) Not more than three members of the Board shall be members of the same political party.

(4) The Board annually shall elect one of its members as chairman.

(5) Three members of the Board constitute a quorum for transacting business. At least three members who are present at the voting session must concur in the approval, denial, revocation, suspension, or reclassification of an alcoholic

beverage license.

(6) Each member of the Board shall be a registered voter of the county.

(d) In Queen Anne's County, the Board of County Commissioners shall appoint 5 persons, designating 1 of them as chairman, who shall constitute the Board of License Commissioners for the county. At least 2 of the persons shall be a member of that political party which, at the most recent gubernatorial election, shall have received the second highest number of votes cast in Queen Anne's County for the office of Governor. They shall be appointed for terms of 4 years each. In the event that at any time any member of the Board shall refuse or for any reason be unable to serve, the appointment for the unexpired term shall be made by said Board of County Commissioners. A quorum is 3 or more members for purposes of transacting the Board's business. At least 3 members who are present at any voting session must concur in the approval, denial, revocation, suspension, or reclassification of an alcoholic beverages license.

(e) In Baltimore County, the county executive shall appoint biennially three persons who shall constitute the Board of License Commissioners for the county. The Board shall appoint no less than four but no more than fifteen liquor inspectors for the county.

(f) In Baltimore County, the county executive shall appoint biennially two substitute members to the County Board of License Commissioners. A substitute, designated by the Chairman of the Liquor Board, shall serve whenever a regular member is absent or incapacitated, for any reason, or in the event a vacancy is created. A substitute shall serve until either the regular member's incapacity or absence ceases or the vacancy is filled. While serving on the Board, a substitute has all the powers, authority, and duties of a regularly appointed member. A substitute member shall receive a per diem salary set by the Board for each day actually served, but a substitute's salary may not exceed the daily salary of a regular member.

§15-105.

(a) The respective Boards of County Commissioners shall ex officio constitute the Boards of License Commissioners in Dorchester and Kent counties.

(b) (1) In Dorchester County, the County Commissioners may appoint a substitute member to the Board of License Commissioners.

(2) The substitute member shall be from the same County Commissioner district as the appointing County Commissioner.

(3) The substitute member serves at the will of the appointing County Commissioner and shall serve for as long as the appointing County Commissioner remains in office as County Commissioner.

(4) The substitute member has all the powers, authority, and duties of the

appointing commissioner when acting on the Board.

§15-106. NOT IN EFFECT

** CONTINGENCY – NOT IN EFFECT – CHAPTER 236 OF 1991 **

- (a) (1) In Kent County, there is a Board of License Commissioners.
- (2) The Board consists of 3 members.
- (3) The Kent County Commissioners shall appoint the members of the Board.
- (4) To qualify for appointment to the Board, a person:
- (i) Shall be of good moral character and integrity;
 - (ii) Shall reasonably reflect the citizenry of the county; and
 - (iii) Shall be a registered voter of the county and shall continue to be a registered voter of the county during the person's term of office.
- (5) The term of a member is 4 years.
- (6) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 1991.
- (7) A member who is appointed after a term has begun serves only until a successor is appointed and qualifies.
- (8) The Kent County Commissioners may remove a member for:
- (i) Incompetence;
 - (ii) Misconduct;
 - (iii) Neglect of a duty required by law;
 - (iv) Unprofessional conduct; or
 - (v) Dishonorable conduct.
- (9) The removal procedure is as provided in this article.
- (b) The Board shall elect a chairman from among its members.
- (c) (1) A majority of the members then serving on the Board is a quorum.
- (2) The chairman and members of the Board shall receive an annual

compensation of \$300.

(d) The Board, with the approval of the County Commissioners, may employ the clerical assistants necessary to carry out the duties of the Board. The salary of the clerical assistants shall be set by the County Commissioners and as provided in the county budget.

(e) (1) (i) A Commissioner, liquor inspector, or employee of the Board may not:

1. Have any interest, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or in any other manner, in or to any premises where alcoholic beverages are manufactured or sold;

2. Have any interest, directly or indirectly, in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages; or

3. Own any stock in any corporation which has any interest, proprietary or otherwise, directly or indirectly, in any premises where alcoholic beverages are manufactured or sold or in any business wholly or partly devoted to the manufacture or sale of alcoholic beverages, or hold any other public office or employment.

(ii) A Commissioner, liquor inspector, or employee of the Board may not solicit or receive, directly or indirectly, any commission, remuneration, or gift from any person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, from any licensee, licensed under this article.

(iii) A person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, any agent or employee of that person or corporation, and any licensee licensed under this article may not, directly or indirectly, offer to pay any commission, profit or remuneration or make a gift to a Commissioner, liquor inspector, or employee of the Board.

(2) A violation of this subsection is a misdemeanor punishable by a fine of not more than \$1,000.

§15-107.

In Annapolis, the Mayor and Aldermen of the City of Annapolis may constitute the Board of License Commissioners for the City or may delegate all or any portion of the authority to regulate alcoholic beverage licensees to a subsidiary board established by the Mayor and Aldermen. The Board of License Commissioners of Anne Arundel County shall have no jurisdiction in the City of Annapolis.

§15-107.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “County” means Howard County.

(3) “County Council” means the County Council for Howard County.

(4) “Hearing Board” means the Appointed Alcoholic Beverage Hearing Board in Howard County.

(5) “Hearing Board member” means a member of the Appointed Alcoholic Beverage Hearing Board in Howard County.

(6) “Liquor Board” means the Board of License Commissioners for Howard County.

(b) The County Council for Howard County shall ex officio constitute on a permanent basis the Board of License Commissioners for Howard County.

(c) (1) There is an Appointed Alcoholic Beverage Hearing Board in Howard County.

(2) Except as otherwise provided in this section, the Liquor Board shall delegate to the Hearing Board its authority to conduct hearings and render decisions on cases involving alcoholic beverage licensees in the county.

(3) The Hearing Board consists of five members, one from each councilmanic district.

(4) (i) Not more than three members shall be registered with the same political party.

(ii) Each political party that polled at least 25% of the total vote cast for all candidates for the office of County Executive in the most recent general election shall have at least one representative on the Hearing Board.

(iii) If a political party that polled at least 25% of the total vote cast for all candidates for the office of County Executive in the most recent general election does not have at least one representative on the Hearing Board, the next vacancy on the Hearing Board shall be filled with an individual registered with that party.

(5) (i) Each member of the County Council shall nominate to the County Executive three qualified individuals who live in the district of the member of the County Council.

(ii) The County Executive shall appoint to the Hearing Board one individual from the list of nominees that each member of the County Council submits.

(iii) The County Council by resolution shall confirm the appointment of Hearing Board members.

(6) To qualify for appointment as a Hearing Board member, an individual shall be:

(i) Of good moral character and integrity;

(ii) A registered voter of the county immediately prior to the appointment; and

(iii) At least 21 years of age.

(d) (1) A Hearing Board member may not hold another public office or be employed by the Howard County government.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a Hearing Board member may not have a direct or indirect interest in any premises where alcoholic beverages are manufactured or sold, or in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages.

(ii) A Hearing Board member may be a holder of a 1-day or 2-day alcoholic beverage license.

(3) A Hearing Board member is required to be a registered voter of the county during the Hearing Board member's term of office.

(4) (i) Except for the terms of some of the initial Hearing Board members, the term of a Hearing Board member is 5 years.

(ii) The terms of Hearing Board members are staggered as required by the terms provided for Hearing Board members on October 1, 1998.

(5) A Hearing Board member who is appointed to fill a vacancy shall serve the remainder of the unexpired term.

(6) A Hearing Board member whose term has expired and who has served 8 or more consecutive years on the Hearing Board is not eligible for immediate reappointment to the Hearing Board.

(7) The County Council may remove a Hearing Board member for incompetence, misconduct, neglect of a duty required by law, unprofessional conduct, dishonorable conduct, a violation of any of the provisions of paragraph (2)(i) of this subsection or failure to meet the qualifications of subsection (c)(6)(i), (ii), or (iii) of this section.

(e) (1) From among its members, the Hearing Board shall elect a chairperson.

(2) (i) A majority of the members then serving on the Hearing Board is a quorum.

(ii) A majority of the authorized membership of the Hearing Board is needed to take action.

(3) The Hearing Board shall meet at least once each month and may meet more often if needed.

(f) (1) The compensation of the Hearing Board members for the performance of their duties shall be the amount set by the Howard County Council; and

(2) The compensation of the Liquor Board members for the performance of their duties shall be:

(i) For the chairperson, \$55 per meeting attended, not to exceed \$1,300 in a fiscal year regardless of the number of meetings attended; and

(ii) For other Liquor Board members, \$50 per meeting attended, not to exceed \$1,200 in a fiscal year regardless of the number of meetings attended.

(g) (1) Personnel needed to carry out the duties of the Hearing Board and the Liquor Board shall be:

(i) Included in the staff of the County Council; and

(ii) Supervised by the County Council Administrator.

(2) The Chief of the County Police Department shall provide a sworn member of the County Police Department as an inspector to assist the Hearing Board and the Liquor Board in carrying out their responsibilities and in enforcing the law.

(h) The Hearing Board shall propose reasonable regulations to enable it to discharge its duties, including the issuance of alcoholic beverage licenses, and shall submit proposed regulations to the Liquor Board for approval.

(i) (1) The Hearing Board and the Liquor Board shall submit an annual budget request to the County Council not later than January 15 in each year for the ensuing fiscal year.

(2) A budget request shall include:

(i) Salaries of the chairperson and Hearing Board members;

(ii) Compensation of personnel assigned to the Hearing Board; and

(iii) Expenses for office supplies, equipment, and services necessary for carrying out the responsibilities of the Hearing Board.

(3) (i) The County Council shall review the budget requests and shall submit budgets for the Hearing Board and the Liquor Board to the County Executive in the amounts that the County Council determines are adequate to support the duties

and responsibilities of the Hearing Board and the Liquor Board.

(ii) The County Executive shall include the budget for the Hearing Board and the Liquor Board as submitted by the County Council in the county budget that is prepared in accordance with Article VI of the Howard County Charter.

(j) A member or employee of the Hearing Board and the Liquor Board is subject to the public ethics laws of the county.

(k) (1) After the Hearing Board proposes a decision regarding any case before it, a party or other participant in the case or other person who would be aggrieved by the decision may request the Liquor Board to conduct a hearing and make a final decision on the case.

(2) A person that makes a request to the Liquor Board must:

(i) Make the request in writing;

(ii) Include a copy of the proposed decision and order;

(iii) State the reasons why the person believes that the proposed decision is wrong; and

(iv) Send a copy of the request and accompanying materials to all other parties in the case.

(3) If a request is submitted to the Liquor Board, the proposed decision of the Hearing Board is stayed.

(4) After a request for a hearing is submitted to the Liquor Board, any other party to the proceeding may submit to the Liquor Board a response stating why the proposed decision by the Hearing Board should be upheld.

(l) After the period to file a response ends, the Liquor Board shall:

(1) Schedule a public meeting to decide whether to hear the case; and

(2) Notify the parties of the meeting date.

(m) The proposed decision of the Hearing Board becomes final if:

(1) No request for a hearing is submitted to the Liquor Board within the time allotted for a request; or

(2) The Liquor Board decides not to hear the case.

(n) (1) After deciding to hear a case, the Liquor Board shall:

(i) Schedule a hearing de novo at which the Liquor Board may hear

witnesses; and

(ii) Notify the parties of the hearing date.

(2) After the close of the hearing record, the Liquor Board shall issue to the parties a final decision.

(o) The Hearing Board shall give the Liquor Board regular and prompt notice of the filing of:

(1) Each application for an alcoholic beverage license or change in license; and

(2) Each petition alleging that a violation of an alcoholic beverage law or regulation has occurred.

(p) By giving notice to the Hearing Board and the applicant or the affected licensee, the Liquor Board may:

(1) Assume initial jurisdiction of any matter before the Hearing Board; and

(2) Hear the case in the first instance when the Liquor Board determines that exercising initial jurisdiction is desirable and in the public interest.

(q) (1) A holder of a license, a person applying for an alcoholic beverage license, or a person engaged in the manufacture or sale of alcoholic beverages may not directly or indirectly offer to pay a commission, profit, or remuneration or make a gift of more than nominal value to:

(i) A member of the Hearing Board or of the Liquor Board;

(ii) An employee of the member of the Hearing Board or of the Liquor Board; or

(iii) An agent acting on behalf of a member of the Hearing Board or of the Liquor Board or employee assigned to the Hearing Board or the Liquor Board.

(2) A person who violates this subsection is guilty of a misdemeanor and subject to a fine of not more than \$1,000.

§15-108.

In Garrett County, the Liquor Control Board is hereby declared to be a State agency to administer the provisions of this article and as such is clothed with discretionary powers, in granting, refusing, revoking or suspending licenses for the sale of alcoholic beverages, within the limits prescribed under this article.

§15–108.1.

The Wicomico County Board of License Commissioners is a State agency that administers this article and may grant, refuse, revoke, or suspend licenses for the sale of alcoholic beverages.

§15–109.

(a) The salaries of the members of the boards of license commissioners are specified in this section. Where no salary is specified for those boards which serve ex officio, the members may not receive additional compensation under the provisions of this section.

(b) In Allegany County the annual salary of the members of the Board of License Commissioners shall be set by the County Commissioners in accordance with Title 28, Subtitle 1 of the Local Government Article.

(c) In Anne Arundel County the chairman of the Board of License Commissioners shall receive annually as salary not more than \$18,000; each other member of the Board shall receive annually as salaries not more than \$15,000, plus reimbursement for expenses reasonably incurred by them.

(d) In Baltimore City:

(1) (i) The chairman and each other regular member of the Board shall receive an annual salary that:

1. Is not less than \$28,500;
2. Is set in the ordinance of estimates; and
3. Includes any cost of living increase available to members of

the City Council.

(ii) The alternate member of the Board shall receive an annual salary of \$16,000.

(2) The chairman and the other members of the Board except the alternate member are eligible to receive the same health benefits that full-time employees of the Board receive.

(3) The Board shall employ an executive secretary and a deputy executive secretary whose salaries shall be fixed by the Board.

(4) The executive secretary and the deputy executive secretary shall be residents of Baltimore City and of high character and integrity.

(5) The executive secretary and the deputy executive secretary shall be

employed upon the basis of their executive skill and experience.

(e) In Baltimore County:

(1) The salaries of the members of the Board of License Commissioners shall be as determined from time to time by “Baltimore County, Maryland”, in such amounts as are deemed reasonable and proper, but the annual salary of the chairman shall be not less than \$11,500 and the annual salary of each of the associate members shall be not less than \$10,500.

(2) The Board of License Commissioners may appoint an executive secretary. The salary of the executive secretary shall be paid from the liquor license appropriation in the Baltimore County budget in an amount set forth under grade 27, step 3, and such longevity benefits as the executive secretary to the Board may be entitled.

(f) In Calvert County:

(1) The chairman of the Board shall receive \$4,200 annually for expenses incurred while carrying on the duties of the office;

(2) The regular members of the Board shall receive \$3,600 annually for expenses incurred while carrying on the duties of the office; and

(3) The alternate Board member shall receive \$200 compensation for each meeting of the Board attended as an acting regular member to compensate for expenses incurred while carrying on the duties of the office.

(g) In Caroline County:

(1) The members of the Board of License Commissioners shall receive annual salaries as determined by the County Commissioners, but not less than:

(i) \$3,000 for the chairman; and

(ii) \$2,500 for a regular Board member.

(2) The alternate member of the Board shall receive \$100 per meeting but not more than \$2,000 in any 1-year period.

(3) The chairman, associate members and substitute member shall be reimbursed for expenses incurred in the performance of their duties in accordance with the Standard State Travel Regulations.

(h) In Carroll County, the annual salaries for the members of the Board of License Commissioners are set by the Carroll County Commissioners.

(i) (1) In Cecil County, the Chairman of the Board of License Commissioners

shall receive an annual salary of \$3,000.

(2) Each of the other members shall receive an annual salary in the amount of \$2,500.

(3) The Chairman and each member shall be reimbursed for expenses in accordance with the Standard State Travel Regulations.

(4) The expenses shall be paid by the Commissioners.

(j) In Charles County:

(1) The County Commissioners shall set the salaries of the chairman and the associate members of the Board of License Commissioners.

(2) The County Commissioners also shall provide a clerk, counsel, and supplies to the Board as the County Commissioners consider appropriate. The County Commissioners may set salaries for the clerk and counsel as the County Commissioners consider appropriate.

(k) In Dorchester County, the annual compensation for the members of the Board of License Commissioners is:

(1) \$3,000 for the Chairman; and

(2) \$2,500 for each regular member.

(l) In Frederick County, the salary of the Board of License Commissioners is provided for in § 15–103 of this article.

(m) In Garrett County the members of the Board of County Commissioners may not receive additional compensation for their services in acting as members of the Board of License Commissioners.

(n) In Harford County the provisions of subsection (a) of this section apply.

(o) Repealed.

(p) In Kent County each member of the Board of County Commissioners shall receive, in addition to their salaries as County Commissioners, \$300 per year for their services in acting as members of the Board of License Commissioners.

(q) In Montgomery County, each member of the Board of License Commissioners shall receive \$9,000 per year, except the chairman who shall receive \$10,000 per year.

(r) (1) This subsection applies only in Prince George's County.

(2) (i) Each of the members of the Board shall receive an annual salary

of \$20,000.

(ii) The chairman shall receive an annual salary of \$22,000.

(3) The Board shall meet at least two times per month.

(4) (i) The administrator of the Board shall be appointed by and serve at the will of the Board and shall devote full time and attention to the duties of the Board.

(ii) The administrator may receive an annual salary of \$40,705 as determined by the Board of License Commissioners after a performance evaluation.

(5) (i) The attorney for the Board shall be appointed by, and serve at the will of, the Board.

(ii) The attorney shall receive an annual salary of \$18,500.

(iii) In addition to the annual salary designated in subparagraph (ii) of this paragraph, the County Council shall pay to the attorney for the Board:

1. All court costs and expenses incurred therein by the attorney to the Board; and

2. Legal fees that the Board approves for representing the Board in court.

(iv) The Board shall establish the fee rate for representing the Board in court.

(6) (i) The County Council shall pay for all expenses of the Board of License Commissioners upon the submission of an annual budget.

(ii) In that budget, the salary of the members of the Board, the salary of the attorney for the Board, and any additional compensation for legal fees for the attorney for the Board, shall be approved as hereinbefore set forth.

(iii) Except as provided in subparagraph (iv) of this paragraph, all other expenses, including, but not restricted to, the salary of the administrator as limited herein, compensation of other personnel, who shall be qualified and employed under the county merit system, printing, supplies, and office space, shall be at the discretion of the County Council.

(7) (i) Members of the Board of Alcoholic Beverages License Commissioners and the attorney for the Board are eligible for:

1. All county health benefits; and

2. Membership in and retirement benefits of the State

Employees' Pension System.

(ii) The health benefits under this paragraph include:

1. Hospitalization;
2. Vision care;
3. Prescriptions;
4. Dental care;
5. Life insurance; and
6. Expense reimbursement.

(iii) The administrator of the Board of License Commissioners is eligible to participate in the County's supplemental retirement plan.

(iv) The County Executive and the County Council may not adopt, either through public local law or personnel law, any policy contrary to the provisions of subparagraph (i) or (iii) of this paragraph.

(s) (1) In Queen Anne's County, the compensation for the Board of License Commissioners shall be at the rate to be determined by the County Commissioners.

(2) The rate may not be less than:

- (i) \$65 per meeting for the chairman; and
- (ii) \$60 per meeting for each regular member.

(t) In St. Mary's County the provisions of subsection (a) of this section apply.

(u) (1) In Somerset County each of the members of the Board, except the chairman, shall receive an annual salary of \$3,000, and the chairman shall receive an annual salary of \$3,500.

(2) The County Commissioners shall provide a sum sufficient to pay for the salaries of the members of the Board.

(3) The County Commissioners may provide a sum sufficient to pay for all expenses of the Board, including:

- (i) Salaries of personnel other than members of the Board; and
- (ii) Costs of printing, supplies, and other expenses related to the operation of the Board.

(v) (1) In Talbot County each member of the Board shall receive as compensation a salary of \$500 per year.

(2) In addition, the chairman of the Board shall receive a salary of \$250 per year.

(w) (1) This subsection applies only in Washington County.

(2) The annual salaries for the Board of License Commissioners shall be set by the County Commissioners of Washington County under Title 28, Subtitle 2 of the Local Government Article.

(3) The salaries specified in this subsection are payable monthly from the license fees derived from the issuance of licenses authorized by this article.

(4) A member or employee of the Board may not have any pecuniary or other interest in any phase of the manufacture, sale or distribution of any alcoholic beverages.

(x) (1) This subsection applies only in Wicomico County.

(2) The annual compensation for the Board of License Commissioners is:

(i) Chairman – \$5,000.

(ii) Members – \$4,000.

(y) In Worcester County:

(1) The regular members of the Board of License Commissioners shall receive an annual salary as determined by the County Commissioners but no less than:

(i) Chairman – \$2,500 per year; and

(ii) Each regular member – \$2,100 per year; and

(2) The alternate member of the Board shall receive compensation, as determined by the County Commissioners, for services when acting on the Board.

§15–110.

(a) The Governor may remove any member of any board of license commissioners appointed by him under the provisions of this article, for misconduct in office, incompetency or willful neglect of duty, giving him a copy of the charges against him and an opportunity of being publicly heard in person, or by counsel, in his own defense, upon not less than ten days' notice. If any member shall be removed, the Governor shall file in the office of the Secretary of State, a statement of the charges made against such member and his findings thereon.

(b) The board of county commissioners may remove any member of any board of license commissioners appointed by them, for the causes in this section prescribed. In Montgomery County, the County Executive may, with the approval of the County Council, remove any member of the Board of License Commissioners for the causes in this section prescribed.

§15–111.

(a) The provisions of this section do not apply to the following:

- (1) Class E (steamboats);
- (2) Class F (railroads); and
- (3) Class G (airplanes).

(b) The provisions of this section apply to Wicomico County.

(c) (1) The Board of License Commissioners shall issue licenses for which provision is made in this article.

(2) The director of finance shall collect the license fees for which provision is made in this article.

§15–112.

(a) (1) The boards of license commissioners in this State may issue the alcoholic beverages licenses provided for by this article in their respective jurisdictions.

(2) Each board may employ a secretary and inspectors, clerical and other assistance as is necessary, and fix the compensation of the employees, except as otherwise provided by this article.

(3) In this section, “Board” means the Board of License Commissioners, unless otherwise noted.

(b) (1) This subsection applies only in Allegany County.

(2) The inspectors shall:

(i) Have all the powers of a peace officer or a constable or sheriff of this State;

(ii) Make oath to faithfully perform the duties entrusted to them, as provided in Article I, § 9 of the Constitution of this State; and

(iii) Furnish bond in the penalty of \$2,000 to the Board and the Board of County Commissioners jointly, conditioned, “that inspectors shall well and faithfully

execute the office in all things appertaining thereto”. The cost of the bond shall be paid by the County Commissioners. The inspectors shall be known as “alcoholic beverage inspectors for Allegany County”.

(c) (1) (i) This subsection applies only in Anne Arundel County.

(ii) Except for paragraph (2) of this subsection, it does not apply in the City of Annapolis.

(2) (i) This paragraph applies only in the City of Annapolis.

(ii) The Mayor, Counsellor and Aldermen of Annapolis may make and enforce regulations and restrictions, in addition to, or in substitution of, those contained in this article, but not inconsistent therewith, as in their judgment would give the municipality more effective control of each of the places of business.

(3) (i) In addition to the powers given to the Board in subsection (a) of this section, the Board may employ one part–time chief inspector at an annual salary of \$10,000, one part–time deputy chief inspector at an annual salary of \$8,000 and 18 part–time inspectors at an annual salary of \$6,000 each.

(ii) In addition to a salary stated in subparagraph (i) of this paragraph, each of the inspectors shall receive a monthly expense of \$300 per month, subject to the approval of the State Comptroller.

(4) The 20 inspectors shall:

(i) Have all the powers of a peace officer or a constable or sheriff of this State;

(ii) Make oath to faithfully perform the duties entrusted to them, as provided in Article I, § 9 of the Constitution of this State; and

(iii) Furnish bond in the penalty of \$2,000 to the Board and the County Council jointly, conditioned “that inspector shall well and faithfully execute the office in all things appertaining thereto”. The cost of the bond shall be paid by the county. The inspectors for Anne Arundel County are known as the “liquor inspectors for Anne Arundel County”.

(5) The Board of License Commissioners:

(i) May employ up to two full–time administrators whose annual salaries shall be fixed by the Board as in a general Anne Arundel County classified salary schedule, within pay grade 16;

(ii) Shall employ a full–time secretary whose annual salary shall be fixed by the Board as in a general county classified salary schedule, within pay grade 13; and

(iii) Shall employ an attorney at an annual salary of \$20,000.

(6) (i) The Board of License Commissioners may suspend immediately an alcoholic beverages license if a person authorized under § 16–405 of this article alleges that the licensee has sold or furnished alcoholic beverages to a person under the age of 21 years with such frequency and during such a limited time period so as to demonstrate a willful failure to comply with § 12–108(a) of this article.

(ii) A suspension under this paragraph may not exceed 7 days.

(iii) If a license is suspended under this paragraph, the Board shall:

1. Hold a hearing on the matter within 7 days after the suspension; and

2. Give notice to the licensee at least 2 days before the hearing.

(iv) If the Board fails to provide the licensee with notice of a hearing before the end of the fifth day following a suspension, the suspension shall end, and the licensee shall be allowed to resume the sale of alcoholic beverages on the next day allowed under the license.

(v) This paragraph does not prevent a licensee whose license is suspended under this paragraph from seeking an injunction or other appropriate relief.

(d) (1) This subsection applies only in Baltimore City.

(2) A member or employee of the Board:

(i) May not have any direct or indirect interest in or on any premises where alcoholic beverages are manufactured, distributed, or sold whether the interest is:

1. Proprietary;

2. Held by means of a loan, mortgage, or lien;

3. Beneficially owned through an investment vehicle, estate, trust, or other intermediary when the beneficiary does not control the intermediary or may supervise or participate in the intermediary's investment decisions; or

4. Held in any other manner;

(ii) May not have any interest, direct or indirect, in any business wholly or partially devoted to the manufacture, distribution, or sale of alcoholic beverages;

(iii) May not own any stock in any corporation which has any interest,

proprietary or otherwise, direct or indirect, in any premises where alcoholic beverages are manufactured, distributed, or sold or in any business wholly or partially devoted to the manufacture, distribution, or sale of alcoholic beverages;

(iv) May not receive any salary or other compensation or any other thing of value from a business engaged in the manufacture, distribution, or sale of alcoholic beverages;

(v) May not solicit or receive directly or indirectly or on behalf of another person, a commission, political contribution, remuneration or gift, from:

1. A person who is engaged in the manufacture, distribution, or sale of alcoholic beverages; or

2. An agent or employee of a person who is engaged in the manufacture, distribution, or sale of alcoholic beverages; and

(vi) Shall comply with Baltimore City public ethics laws and financial disclosure provisions enacted by the Mayor and City Council.

(3) A member or an employee of the Board may hold any other public office or employment, federal, State or local, unless that public office or employment would pose a conflict of interest.

(4) A member of the Board who applies for government employment that would pose a conflict of interest as determined by the Baltimore City Board of Ethics shall resign from the Board by a letter addressed to the Governor.

(5) (i) On filing a certificate of candidacy for election to a public office or within 30 days before the filing deadline for the primary election for the public office sought, whichever occurs later, an individual who is a member of the Board or an employee of the Board shall certify to the City Board of Elections under oath that the individual is no longer a member of the Board.

(ii) The certification shall be accompanied by a letter addressed to the Governor containing the resignation of the member of the Board.

(6) (i) Every employee of the Board:

1. Shall devote that employee's whole time and attention to the business of the Board during the hours designated by the Board for the performance of official duties;

2. May not engage in any occupation, business or profession in any way connected or associated, directly or indirectly, with the manufacture or sale of alcoholic beverages; and

3. May not transact business of any kind whatsoever beyond

his or her official duties with any licensee, or in connection with the operation of any establishment licensed for the manufacture or sale of alcoholic beverages.

(ii) Any employee of the Board who violates any of the provisions of this subsection shall be removed.

(7) (i) As to any entity licensed under the provisions of this article, a member or an employee of the Board may not solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from any:

1. Person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages;

2. Agent or employee of that person or corporation; or

3. Licensee licensed under the provisions of this article.

(ii) A person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, any agent or employee of that person or corporation, and a licensee licensed under the provisions of this article may not, either directly or indirectly, offer to pay any commission, profit or remuneration or make any gift to any member or employee of the Board or to anyone on behalf of that member or employee of the Board.

(8) The Board or the Board's designee governs, administers, and enforces the provisions of this article in Baltimore City, including performing such tasks as:

(i) Supervising the activities and investigations of the several inspectors and other employees of the Board;

(ii) Examining the location and general character of the licensees in the City;

(iii) Reviewing the zoning of licenses during the license application, license transfer, and license renewal processes; and

(iv) Adopting regulations concerning zoning of licensees and methods of enforcement to carry out the purposes and enforcement of this article.

(9) (i) Before the Board may adopt a regulation:

1. The Board shall provide a period of at least 30 days for public comment; and

2. The City Solicitor shall review the regulations to ensure that the regulations comply with the authority granted to the Board by the State.

(ii) Regulations adopted by the Board shall be published, posted

online, and distributed to whichever licensees are affected by them.

(iii) The Board may require any licensee to display prominently in the licensee's place of business any regulation of the Board, or any excerpt or statement from this article.

(iv) The Board shall review its regulations on or before October 31, 2015, and at least once every 5 years thereafter, to ensure that the regulations comply with:

1. Current policies and practices of the Board; and
2. Federal, State, and local law.

(10) The Board shall:

(i) Subject to paragraph (13) of this subsection, employ a qualified attorney to serve as appellate counsel for the Board in actions of appeal;

(ii) Use as needed the advice of the Baltimore City Law Department;

(iii) Employ an executive secretary and a deputy executive secretary, who both shall serve at the pleasure of the Board; and

(iv) Employ inspectors, clerical staff, and other assistants as necessary to fulfill the mission of the Board and enforce the alcoholic beverages laws of the State.

(11) The salary for the position of attorney specified under paragraph (10)(i) of this subsection shall be at least the salary assigned on May 30, 2014, to that position.

(12) All employees of the Board, except for the executive secretary and the deputy executive secretary, are in the classified civil service of the City and may be hired and removed only in accordance with the law that governs classified civil service employees of the City.

(13) To the extent possible, all employees of the Board shall be residents of Baltimore City.

(14) (i) The Board shall provide to the Director of Finance the estimates of the Board for the next fiscal year of the appropriations needed to effectively and efficiently achieve the mission and goals of the Board, in accordance with Art. VI, Section 4 of the Baltimore City Charter.

(ii) Subject to subparagraphs (iii) and (iv) of this paragraph, the members of the Board shall determine the salaries of employees of the Board.

(iii) For civil service employees, salary levels and adjustments shall

conform to the policies of the City's Board of Estimates, Civil Service Commission, and Department of Human Resources, including the City Union of Baltimore salary scales.

(iv) The Board may consider an employee's length of service, performance, and experience in determining the appropriate salary level.

(15) (i) Subject to subparagraph (ii) of this paragraph, each inspector employed by the Board may examine any identification used as proof of age by a person for the purchase of alcoholic beverages in the City.

(ii) An examination shall be made on the premises of the licensed establishment where the purchase is attempted.

(16) An action of a member or employee of the Board is subject to State requirements for open or public meetings, including requirements for open sessions under Title 3 of the General Provisions Article.

(17) A person who violates this subsection is subject to the penalties specified in § 16-503 of this article.

(e) (1) This subsection applies only in Baltimore County.

(2) The Board may appoint a Chief License Inspector and at least 14 license inspectors. The salaries shall be as determined by the county, but the salary of the Chief License Inspector may not be less than \$9,500 a year and the salary of each of the remaining license inspectors may not be less than \$9,000 a year. Each license inspector and the Chief License Inspector may request and examine any identification used as proof of age by any person for the purchase of alcoholic beverages provided that the request and examination are made on the licensed premises in the county.

(3) In addition to the other powers and duties conferred on them, the Board may prescribe regulations:

(i) Regarding the presence of any person not designated under § 1-102(a)(6) of this article on any premises licensed to sell alcoholic beverages; and

(ii) Concerning the granting and the date of issuing licenses when the actual use of the license is to be deferred until the completion of construction work or alterations on the premises.

(f) (1) This subsection applies only in Calvert County.

(2) The Board may appoint:

(i) A clerk and an attorney at a salary to be set by the County Commissioners; and

(ii) With the approval of the County Commissioners, full-time or

part-time alcoholic beverages inspectors whose salary shall be set by the County Commissioners on an annual or per diem basis, and who shall be paid reasonable expenses related to performance of duties.

(g) (1) This subsection applies only in Caroline County.

(2) (i) The county codes administrator is the inspector for the Board of License Commissioners.

(ii) The salary of the inspector shall be as provided in the county budget. The duties of the inspector shall be as specified by the Board, including the proper administration and enforcement of the alcoholic beverages laws of Caroline County.

(3) (i) The Board may appoint an attorney for the Board.

(ii) The compensation for the attorney shall be set by the County Commissioners.

(iii) The attorney is subject to the county ethics ordinance.

(h) Reserved.

(i) (1) This subsection applies only in Cecil County.

(2) The Board shall issue all retail alcoholic beverages licenses authorized under this article, except Class E, F, and G licenses.

(3) The Board may employ one full-time alcoholic beverages inspector and may also employ as many additional part-time alcoholic beverages inspectors as it deems necessary. The salary shall be as provided in the annual budget of the Board of County Commissioners for part-time inspectors and within the total appropriations for this purpose. The employment of the alcoholic beverages inspectors shall be subject to the provisions of the Cecil County Personnel Policy and Procedure Manual. The salaries and travel expenses of the alcoholic beverages inspectors shall be established by the Board of County Commissioners of Cecil County using county personnel department regulations and guidelines.

(4) The inspector shall investigate all applicants for an alcoholic beverages license or transfer of license, enforce all alcoholic beverages laws, and investigate all violations of the alcoholic beverages laws and report them to the Board.

(5) The inspector shall:

(i) Have all the powers of a peace officer of this State in respect to the enforcement of the alcoholic beverages laws of the county;

(ii) Make an oath, as provided in the Constitution of Maryland, to

faithfully perform the duties entrusted to him;

(iii) Visit and inspect at unannounced times every licensed premises in the county at least every 90 days; and

(iv) Make monthly reports in writing to the Board covering his activities, setting forth any complaints, and listing any violations that may have been observed or reported to the inspector.

(6) A person may not accept appointment or continue as an inspector if either the inspector or any member of the inspector's immediate family has any personal or financial interest either directly or indirectly in any license or in any licensed premises under the provisions of this article.

(j) (1) This subsection applies only in Charles County.

(2) The Board is the alcoholic beverages license issuing authority.

(k) (1) This subsection applies only in Dorchester County.

(2) (i) A member or employee of the Board may not:

1. Have any financial interest, directly or indirectly, in the manufacture of any alcoholic beverage or in any alcoholic beverage purchased or sold under the provisions of this article; or

2. Derive any profit or remuneration from the purchase or sale of any alcoholic beverage, other than the salary or wages payable for the performance of the duties of the office or position as required and authorized under this section.

(ii) A person who violates this paragraph is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,000 or a term of imprisonment not exceeding 30 days.

(3) (i) With the approval of the Dorchester County Council, the Board may employ an inspector and a recording secretary who shall be employees of the county as provided in the county budget.

(ii) With the approval of the Dorchester County Council, the Board may appoint legal counsel.

(iii) Restrictions applicable to Board members shall apply to legal counsel and staff assigned to the Board.

(iv) County personnel policies and rules shall apply to:

1. Staff assigned to the Board; and

2. Board and staff expenses.

(v) Board and staff expenses shall be provided for in the county budget.

(l) (1) This subsection applies only in Frederick County.

(2) The appointment of an inspector and the employment of clerical assistants are provided for in § 15–103 of this article.

(m) Reserved.

(n) (1) This subsection applies only in Harford County.

(2) The Board and general manager may appoint inspectors as necessary to provide appropriate control over newly created licensees.

(o) Repealed.

(p) (1) This subsection applies only in Kent County.

(2) Notwithstanding §§ 10–401 and 10–403 of this article, the Board may suspend any alcoholic beverages license for any violation of this article for not less than 15 nor more than 90 days. An appeal does not stay the order of the Board suspending a license.

(3) The Board:

(i) Shall employ one full–time alcoholic beverages inspector whose salary shall be set by the County Commissioners; and

(ii) May employ one additional part–time or full–time alcoholic beverages inspector whose compensation shall be set by the County Commissioners.

(4) (i) Each inspector is entitled to reimbursement for travel expenses at a rate determined by the Board.

(ii) The compensation and travel expenses of each inspector shall be paid by the County Commissioners.

(5) An alcoholic beverages inspector has the following powers and duties:

(i) To investigate all applicants for an alcoholic beverages license or transfer of license;

(ii) To enforce all alcoholic beverages laws of Kent County with the same powers as a law enforcement officer of the State;

(iii) To inspect, at unannounced times, every licensed premises at least once every 90 days;

- Board; and
- (iv) To investigate all violations of the alcoholic beverages laws;
 - (v) To report all violations of the alcoholic beverages laws to the Board; and
 - (vi) To give monthly written reports to the Board covering all:
 - 1. Inspection activities;
 - 2. Complaints; and
 - 3. Violations, either observed or reported.

(6) Before a person qualifies as an alcoholic beverages inspector, the person shall make an oath to faithfully perform the duties entrusted, as provided in Article I, § 9 of the Constitution of Maryland.

(7) A person may not qualify nor continue service as an alcoholic beverages inspector if the inspector or the inspector's immediate family has any personal or financial interest, either directly or indirectly, in any license, licensee, or in any premises licensed under the provisions of this article.

(8) (i) After appointment, an alcoholic beverages inspector shall serve as such and shall be discharged only for cause involving dishonesty, incompetence, or immoral conduct while in the performance of duty.

(ii) Before the discharge of an alcoholic beverages inspector, the Board shall give the inspector written notice of all pending charges and shall afford the inspector an opportunity to reply in an open hearing before the Board, either in person or by counsel.

(iii) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(q) (1) This subsection applies only in Montgomery County.

(2) The office of the County Attorney and other county departments shall be made available to the Board.

- (3) (i) A member of the Board may not:
- 1. Have any interest, direct or indirect, either proprietary or by means of any loan, mortgage or lien, or in any other manner, in or on any premises where alcoholic beverages are manufactured or sold;
 - 2. Have any interest, direct or indirect, in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages;
 - 3. Own any stock in any corporation which has any interest,

proprietary or otherwise, direct or indirect, in any premises where alcoholic beverages are manufactured or sold or in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages; or

4. Hold any other public office, federal, State or local.

(ii) Subject to the provisions of the Montgomery County public ethics law, a commissioner of the Board may be an employee of the federal, State, or local government. However, a commissioner may not be an employee of the county department of liquor control.

(4) (i) A commissioner or county employee may not solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from any:

1. Person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages;

2. Agent or employee of that person or corporation; or

3. Licensee licensed under the provisions of this article.

(ii) A person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, or any agent or employee of that person or corporation, and a licensee licensed under the provisions of this article may not offer, either directly or indirectly, to pay any commission, profit or remuneration or make any gift to any commissioner or county employee or to anyone on behalf of the commissioner or county employee.

(5) Notwithstanding any other law, the Board shall collect the license fees and issue the alcoholic beverages licenses provided for in this article.

(r) (1) This subsection applies only in Prince George's County.

(2) The Board shall appoint an administrator, an attorney, and all inspectors for the Board.

(3) (i) The inspectors shall:

1. Each have all the powers of a peace officer or a constable or sheriff of this State;

2. Make oath to faithfully perform the duties entrusted to them, as provided in Article I, § 9 of the Maryland Constitution;

3. Be known as "alcoholic beverages inspectors for Prince George's County";

4. Have the duty of visiting and inspecting every licensed

premises periodically;

5. Have the authority to order that a bottle club be closed immediately under § 20–108.1 of this article; and

6. Carry on the other duties the Board prescribes.

(ii) There are three full–time and 24 part–time inspectors, all of whom shall be county residents. The three full–time inspector positions shall be designated as the chief inspector and the deputy chief inspectors. The three full–time inspectors who meet the standards set out by the Prince George’s County merit board and who are certified by the personnel director as meeting these standards shall be entitled to the provisions of the county merit system.

(iii) Each part–time inspector shall receive an annual salary of \$13,900.

(iv) The Board shall designate annually a chief inspector from among the three full–time inspectors. The chief inspector, under the direction of the Board, shall regulate the duties, hours, and assignments of the various inspectors.

(4) A commissioner, inspector, or employee of the Board may not:

(i) Have any interest, either proprietary or by means of any loan, mortgage, or lien, or in any other manner, in or on any premises in this State where alcoholic beverages are manufactured or sold; and

(ii) Have any interest in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages in this State, or own any stock in any corporation which has any interest, proprietary or otherwise, direct or indirect, in any premises in this State where alcoholic beverages are manufactured or sold or in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages in this State.

(5) Employees of the Board:

(i) Shall devote their whole time and attention to the business of the Board during the hours designated by the Board for the performance of their official duties;

(ii) May not engage in any occupation, business, or profession in any way connected or associated with the manufacture or sale of alcoholic beverages; and

(iii) May not transact any business of any kind whatsoever beyond their official duties with any licensee, or in connection with the operation of any establishment licensed for the manufacture or sale of alcoholic beverages.

(6) Any employee of the Board who violates any of the provisions of this

section shall be removed.

(7) A commissioner, inspector, or employee of the Board may not solicit or receive any commission, remuneration, or gift whatsoever from any person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, or from any agent or employee of the person or corporation, or from any licensee, licensed under the provisions of this article.

(8) A commissioner shall immediately forfeit his office as a license commissioner for the county if the commissioner:

- (i) Ceases to reside in the county; or
- (ii) Ceases to be a registered voter of the county.

(9) A license commissioner may not serve in any other position of public office. At the time of filing a certificate of candidacy for election to a public office, or within 30 days prior to the filing deadline for the primary election for the public office sought, whichever occurs later, a license commissioner shall certify to the local Board of Supervisors of Elections under oath that the individual is no longer a license commissioner. The certification shall be accompanied by a letter addressed to the Governor containing the resignation of the commissioner from the Board.

(10) (i) In this paragraph, “candidate”, “contribution”, and “political committee” have the meanings stated in § 1–101 of the Election Law Article.

(ii) A commissioner, inspector, or employee of the Board may not solicit or transmit any contribution for the benefit of any candidate or political committee from any:

- 1. Person or corporation engaged in the sale of beer or other alcoholic beverages in the county;
- 2. Agent or employee of the person or corporation; or
- 3. Licensee licensed under the provisions of this article.

(s) (1) This subsection applies only in Queen Anne’s County.

(2) The Board shall appoint an inspector and fix the inspector’s compensation at an amount not less than \$3,000 a year, plus a mileage allowance as determined by the County Commissioners. The inspector shall visit and inspect every premises in the county licensed under the provisions of this article at least every 60 days.

(3) The Board of County Commissioners also shall appoint an attorney to handle legal matters for the Board and set the attorney’s compensation.

- (t) Reserved.
- (u) (1) This subsection applies only in Somerset County.
 - (2) The Board:
 - (i) Shall appoint a clerk to the Board at an annual salary of \$3,500; and
 - (ii) May designate an attorney for the Board at an annual salary of \$4,000.
- (v) Reserved.
- (w) (1) This subsection applies only in Washington County.
 - (2) The Board annually shall engage an independent certified public accounting firm to conduct an audit in accordance with government auditing standards to express an opinion on the fair presentation of the financial statements of the Board.
 - (3) By November 1 after the close of each fiscal year, the firm shall provide copies of the audit report to the members of the Board and the senators and delegates who constitute the Washington County Delegation to the Maryland General Assembly.
- (x) (1) This subsection applies only in Wicomico County.
 - (2) (i) The Board shall appoint both an inspector and a part-time inspector whose salaries shall be as provided in the county budget.
 - (ii) The Board shall specify both the duties of the inspector and the part-time inspector, which shall be for the proper administration and enforcement of the alcoholic beverages laws in the county. For the purposes of the alcoholic beverages laws, both the inspector and the part-time inspector have the powers of a peace officer or sheriff of this State.
 - (iii) Both the inspector and the part-time inspector shall make oath faithfully to perform the duties entrusted to them, as provided in Article I, § 9 of the Maryland Constitution.
 - (iv) Both the inspector and part-time inspector shall separately furnish a bond in the amount of \$2,000 to the Board and the county, jointly, conditioned that the inspector and the part-time inspector will well and faithfully execute their offices in all things pertaining to them. The cost of the bonds shall be paid by the county.
 - (3) The Board shall coordinate the enforcement of all alcoholic beverages licensing laws for the county.

- (4) (i) The Board may designate an attorney for the Board.
- (ii) The annual salary is \$10,000 which shall be provided in the county budget.
- (y) (1) This subsection applies only in Worcester County.
- (2) (i) The Board, with the consent of the County Commissioners, may appoint an inspector.
- (ii) 1. The salary of the inspector shall be as provided in the county budget.
- 2. The duties of the inspector shall be as specified by the Board, including the proper administration and enforcement of the alcoholic beverages laws in the county.
- (iii) For the purpose of the alcoholic beverages laws, the inspector shall have all the powers of a peace officer or sheriff of this State.
- (iv) The inspector shall make an oath to perform the duties entrusted, as provided in Article I, § 9 of the Constitution of Maryland.

§15–201.

(a) (1) Subject to paragraphs (2) and (3) of this subsection, there is hereby constituted and established in each county a liquor control board, to be appointed and to have the tenure, compensation, powers and duties as provided in this subtitle.

(2) (i) In Montgomery County there is hereby constituted and established, effective July 1, 1951, a Department of Liquor Control, which shall be a department of the county government under the general supervision of the chief administrative officer, and which shall have the powers of a liquor control board as defined in § 15–205 of this subtitle.

(ii) Whenever used in this subtitle the words “liquor control board” or “board” shall be construed to apply to the Department of Liquor Control in Montgomery County whenever such construction would be reasonable.

(3) (i) In Worcester County there is a Department of Liquor Control that:

- 1. Is a department of the county government; and
- 2. Has the powers of a liquor control board as defined in § 15–205 of this subtitle.

(ii) The words “liquor control board” or “board” in this subtitle apply

to the Worcester County Department of Liquor Control when that construction would be reasonable.

(b) (1) (i) Except in Harford County, Montgomery County, and Worcester County, the liquor control board shall consist of three members in each county.

(ii) Those persons who are members of the respective boards on June 1, 1947, shall continue as such for the balance of the period for which they may have been appointed or elected, according to the terms and conditions of their original appointment or election.

(iii) In Montgomery County, effective July 1, 1951, there is hereby created the position of director of the Department of Liquor Control, who shall be the chief administrative officer of said Department of Liquor Control.

(iv) In Worcester County, there is a director of the Department of Liquor Control, who is the chief administrative officer of the Department.

(2) (i) In Harford County, the Liquor Control Board consists of 5 members.

(ii) Notwithstanding any other provision of the Code or local law, the members of the Harford County Liquor Control Board are subject to the provisions regarding financial disclosure, conflicts of interest, and lobbying activities under Title 5, Subtitle 5, Part I and Subtitles 6 and 7 of the General Provisions Article.

(c) (1) The members of the respective boards shall be appointed by the Governor with the advice and consent of the Senate.

(2) In Somerset County Board members shall be appointed by the Governor.

(3) (i) Nominees shall be selected for vacancies on the Harford County Liquor Control Board with consideration given to geographical representation.

(ii) 1. The appointment process to fill vacancies resulting from expired terms on the Harford County Liquor Control Board is as provided in this subparagraph.

2. At least 60 days before the expiration of a member's term, the County Executive shall submit the name of one nominee to the Harford County Delegation to the Maryland General Assembly, consisting of Harford County Senators and Delegates, for the advice and consent of the Delegation.

3. Within 7 working days after the Delegation receives the name of the nominee:

A. The Delegation shall approve or reject the nominee; or

B. If the Delegation fails to act, the nominee shall be considered to have been approved.

4. If the Delegation rejects the nominee, the County Executive shall submit the name of a new nominee to the Delegation within 7 working days after the County Executive receives notice of the rejection.

5. The County Executive shall continue to submit names of nominees in accordance with subparagraphs 3 and 4 of this subparagraph to the Delegation until a nominee is approved.

6. The County Executive shall submit the name of the approved nominee to the County Council for its advice and consent.

(4) In Garrett County, the members of the Board shall be appointed by the Governor. He shall appoint two members of the Board who are members of that political party which has elected a majority of the members of the Board of County Commissioners and one member of the Board from that political party other than the one electing a majority of the Board of County Commissioners. The appointments shall be confirmed by the House of Delegates if there is no resident Senator elected from the county.

(5) In Worcester County, the Board of County Commissioners shall appoint the director of the Department of Liquor Control, who shall serve at the pleasure of the Board.

(6) In Garrett and Harford counties the Board shall also be known as the Board of License Commissioners of these respective counties, upon which shall be devolved all the duties and rights given elsewhere in this article.

(7) In Montgomery County, the director of the Department of Liquor Control shall be appointed by the County Executive with the approval of the County Council. The director of the Department of Liquor Control serves at the pleasure of the County Executive. There is also an advisory board which consists of five members who shall be appointed and removed by the County Executive with the approval of the County Council. All members shall be residents of Montgomery County, and of the five members, only one shall be a bona fide holder of either a Class B or C beer, wine and liquor license in Montgomery County and only one shall be a bona fide license holder of any other class license in Montgomery County. The members of the Board may not receive any compensation, but are entitled to necessary expenses in connection with their duties. Of the members first appointed, one shall serve a term of two years from June 1, 1976, two shall serve a term of three years from June 1, 1976, two shall serve a term of four years from June 1, 1976, and their successors shall fill the unexpired portion of the term or four years for the new term as the case may be. The Board shall have three ex officio members including the director of the Department of Liquor Control, the superintendent of police and the chairman of the Board of License Commissioners. The advisory board shall report to the County Executive periodically

but at least quarterly on recommendations for the improvement of the alcoholic beverages control and enforcement activities of the county and of the operations of the dispensary and distribution systems from the standpoint of efficiency, service and convenience to the public.

(d) In computing the time at which appointments to the several boards normally expire, and when new terms of office begin, the following dates shall be used:

(1) Harford County — First Monday in April, 1941. One appointment shall expire each year.

(2) Montgomery County — May 1, 1945. Provided that the members whose terms expire on May 1, 1951, shall continue in office until July 1, 1951, or until the Department of Liquor Control is established.

(3) Somerset County — June 1, 1943.

(4) Wicomico County — July 1, 1977.

(5) Repealed.

(6) Garrett County — June 1, 1966. Initial appointments shall be for two, four and six years.

(e) (1) Except as provided in paragraph (2) of this subsection, members of the boards shall serve for a term of two years.

(2) Members of the boards in the following counties shall serve for terms as specified:

- (i) Garrett County 6 years
- (ii) Harford County 3 years
- (iii) Somerset County 4 years

(f) Members appointed to the several boards shall be residents and voters of the county in which appointed, and shall be persons of high character, integrity, and recognized business capacity. In Harford County they shall also be taxpayers of said county. In Montgomery County, qualifications of the director of the Department of Liquor Control shall be determined by the County Executive. In Garrett County no person may be appointed to the Board who is then serving as a County Commissioner for the county and no person may be appointed to the Board who is receiving any other compensation from the county.

(g) The board in each county shall organize by electing its own chairman.

(h) Members of the several boards shall receive compensation as follows:

(1) Garrett County — The salary of the members of the Liquor Control Board of Garrett County shall be set by the County Commissioners in accordance with Chapter 91 of the Public Local Laws of Garrett County. Each member is entitled to a mileage fee in amounts equal to the mileage fees provided for in the Standard State Travel Regulations when attending meetings.

(2) In Harford County:

(i) The Chairman of the Board shall receive an annual compensation of \$7,000;

(ii) Each member of the Board shall receive an annual compensation of \$6,000; and

(iii) The Chairman and each member of the Board shall receive any additional compensation that the County Council deems appropriate.

(3) Repealed.

(4) Montgomery County — The salary of the director of the Department of Liquor Control shall be fixed by the County Executive with the approval of the County Council.

(5) In Somerset County:

(i) The chairman \$2,500 annually; and

(ii) Each member \$2,000 annually.

(6) Wicomico County — \$5,000 per annum, and a salary of \$6,000 per annum for the Chairman of the Board.

(i) (1) Except as otherwise provided in this subsection, the Board shall meet as frequently as in their respective opinions may be necessary for the public business.

(2) In Somerset County they shall meet at least twice each month.

(3) In Harford County they shall meet at least fifty times each year, but the chairman may cancel any of those meetings for lack of an agenda.

(4) In Montgomery County, the director of the Department of Liquor Control shall devote all his time to the duties of his office.

(5) In Garrett County the Board shall meet at least once each month, but the chairman may cancel a meeting for lack of an agenda.

(j) (1) Except as provided in paragraph (2) of this subsection, in case of a vacancy on an appointive board for any reason whatsoever, it shall be filled for the unexpired term in the same manner as the original appointment.

(2) In Harford County, to fill a vacancy other than one resulting from an expired term:

(i) The County Executive, as soon as practicable, shall submit the name of one nominee to the Harford County Delegation to the Maryland General Assembly, consisting of Harford County Senators and Delegates, for the advice and consent of the Delegation; and

(ii) Thereafter, the procedures under subsection (c)(3)(ii)3 through 6 of this section shall be followed.

(k) In Harford County the members of the Board shall each give a bond to the county in an amount to be prescribed from time to time by the County Executive and County Council for the faithful performance of the duties of their office, the premium on said bonds to be paid by the Board from the gross receipts derived from the operation of the dispensaries.

§15–202.

(a) For the purpose of providing the liquor control board with an adequate working capital for acquiring, establishing and operating a county dispensary, or branch dispensaries, together with warehouse facilities, as found necessary under this subtitle, the board of county commissioners of each county is hereby authorized and empowered from time to time to advance a sum of money to the liquor control board of such county. Said board of county commissioners is hereby authorized and empowered to borrow upon the credit of the county in order to advance such moneys to said liquor control board, issuing therefor such notes, certificates of indebtedness and/or bonds as in the discretion of the board of county commissioners are found necessary.

(b) (1) The liquor control board may borrow money from time to time from any banking institution on its own credit.

(2) The aggregate sum advanced to or borrowed by the liquor control board may not exceed the following amounts:

(i) Somerset County — \$150,000

(ii) Wicomico County — \$500,000.

(c) (1) The interest rate limitation provided in paragraph (2) of this subsection does not apply in Somerset County.

(2) All funds advanced to the liquor control board by the county commissioners, and all funds borrowed by the county commissioners or the liquor control board for the purposes of this subtitle, shall bear interest at the lowest rate possible, not exceeding 6 percent a year. All these sums advanced or borrowed, together with the interest on them, shall be repaid from the receipts from sales made at the county liquor dispensary, or branch dispensaries.

(d) The provisions of this section shall not apply to the Department of Liquor Control of Montgomery County, provided that nothing herein shall be construed to affect the validity of any notes, certificates of indebtedness and/or bonds, or obligations of any kind which may have been heretofore incurred by the Liquor Control Board of Montgomery County.

(e) (1) Subject to paragraph (2) of this subsection, this section does not apply to the Worcester County Department of Liquor Control.

(2) This section does not affect the validity of a note, certificate of indebtedness, bond, or other obligation of any kind that has been incurred by the Liquor Control Board for Worcester County.

§15–203.

(a) (1) The liquor control boards may establish and maintain stores to be known as “county liquor dispensaries”, for the sale of any sparkling or fortified wine and any other alcoholic beverages containing more than 14 percent of alcohol by volume, in sealed packages or containers. These packages or containers may not be opened nor their contents consumed upon the premises where sold.

(2) In Montgomery County they may sell any alcoholic beverages.

(3) In the following counties they may sell any alcoholic beverages except beer:

(i) Somerset; and

(ii) Worcester.

(a–1) In Garrett County liquor dispensaries may be established and maintained in Grantsville (district No. 3) and in Oakland (district No. 7). The dispensaries are authorized to make Class A or “off–sales” of wine and liquor. All liquor and wines sold by Class B and C (on–sale) beer, wine and liquor licensees may be purchased from a Garrett County liquor dispensary or any licensed wholesale supplier. If the Garrett County Liquor Control Board maintains county liquor dispensaries, any licensee, except the holders of special Class D licenses, having wine or liquor in his possession on the licensed premises which is not purchased from a Garrett County liquor dispensary shall suffer a revocation of his license for the sale of beer, wine and liquor unless the licensee reports these purchases, and pays to the Liquor Control Board that sum of money which the Board would charge the licensee for similar purchases, less the actual amount paid for the purchases. The Board is authorized to inspect the premises of all holders of Class B and C licenses in the county to determine their compliance with all laws applicable to the sale of beer, wines and liquors in the county.

(b) Repealed.

(c) Repealed.

(d) (1) This subsection applies in Montgomery County.

(2) The county liquor dispensaries may be established at one or more locations determined by the Director of the Department of Liquor Control with the approval of the County Executive.

(3) The Director of the Department of Liquor Control may not enter into a contract with a person to operate a retail outlet for the sale of beer, wine and liquor unless:

(i) The Board of License Commissioners determines that the person is fit to operate the retail outlet; and

(ii) The Director had a contract with a person to operate the retail outlet on January 1, 1997.

(4) Except as provided in paragraph (3) of this subsection, the Director of the Department of Liquor Control may not contract with a person to operate a county liquor dispensary or a retail outlet for the sale of beer, wine, and liquor.

(5) (i) In county retail dispensary stores and in retail outlets operated under contract with the Director of the Department of Liquor Control only the following items may be sold:

1. Nonchilled beer;

2. Wine;

3. Liquor;

4. Ice;

5. Bottled water; and

6. Items commonly associated with the serving or consumption of alcoholic beverages, such as bottle openers, corkscrews, drink mixes, and lime juice.

(ii) A county retail dispensary store or retail outlet operated under contract with the Director of the Department of Liquor Control may not sell snack foods and soft drinks.

(6) For purposes of enforcing the provisions of this article relating to the sale of alcoholic beverages to minors and Title 10, Subtitle 1, Part II of the Criminal Law Article:

(i) A manager of a county liquor dispensary, and an individual with whom the Director of the Department of Liquor Control contracts to operate a retail

outlet under paragraph (3) of this subsection, shall be deemed licensees;

(ii) An employee of a county liquor dispensary, and an employee of the retail outlet under paragraph (3) of this subsection, shall be deemed employees of a licensee; and

(iii) An individual listed in item (i) or (ii) of this paragraph who violates any provision of this article relating to the sale of alcoholic beverages to minors, or Title 10, Subtitle 1, Part II of the Criminal Law Article:

1. Is subject to the penalties authorized by law, including a civil citation issued under § 16–408 of this article and § 10–119 of the Criminal Law Article; and

2. Is subject to fine and suspension or revocation of employment by the Board of License Commissioners in the same manner as a licensee or employee of a licensee is subject to fine and suspension or revocation for a violation.

(e) In Somerset County the county liquor dispensaries may be established and maintained only at Crisfield, in the West Princess Anne election district, and in Dublin election district.

(e–1) In Wicomico County, the county liquor dispensaries may sell chilled beer, nonchilled beer, wine, liquor, ice, and bottled water.

(f) In Worcester County the county liquor dispensaries may be established and maintained only at Pocomoke City, Snow Hill, Berlin and Ocean City, or in a housing development with a population of at least 10,000 that is overseen by a homeowners association and that has a special police force commissioned under Title 3, Subtitle 3 of the Public Safety Article, and in any rural areas that may be approved by the Liquor Control Board and the County Commissioners of Worcester County.

§15–204.

(a) Subject to § 16–407.1 of this article and except as otherwise provided in this section, the liquor control board in each county shall have an absolute monopoly of the sale and distribution of the particular alcoholic beverages which elsewhere in this subtitle it is empowered to sell.

(b) (1) Provided, that in Montgomery County no person, firm, or corporation shall keep for sale any alcoholic beverage not purchased from the Department of Liquor Control for Montgomery County, provided, however, that nothing in this subsection shall apply to a holder of a Class F license or a holder of a Class 1 beer, wine and liquor, Class 2 wine and liquor, Class 3 beer and wine, Class 4 beer, or Class 5 wine wholesaler’s license, who may not sell or deliver any alcoholic beverage in Montgomery County for resale except to a county liquor dispensary.

(2) Notwithstanding paragraph (1) of this subsection:

(i) 1. A holder of a Class 6 limited wine wholesaler’s license or of a nonresident winery permit may sell or deliver wine directly to a county liquor dispensary, restaurant, or other retail dealer in Montgomery County; and

2. A county liquor dispensary, restaurant, or other retail dealer in Montgomery County may purchase wine directly from a holder of a Class 6 limited wine wholesaler’s license or of a nonresident winery permit;

(ii) 1. A holder of a Class 7 limited beer wholesaler’s license or of a nonresident brewery permit may sell or deliver its own beer to a county liquor dispensary, a restaurant, or any other retail dealer in Montgomery County; and

2. A county liquor dispensary, a restaurant, or any other retail dealer in Montgomery County may purchase beer directly from a holder of a Class 7 limited beer wholesaler’s license or a nonresident brewery permit;

(iii) A holder of a direct wine shipper’s permit may ship wine directly to a consumer in Montgomery County; and

(iv) A holder of a wine auction permit in Montgomery County may receive and sell wine obtained from any source listed under § 2–101(o) of this article.

(c) This section does not apply to the sale and distribution of light wine in Somerset County.

(d) In Wicomico County, the county dispensaries shall make wholesale sales of all liquors at a markup of not more than 15 percent above the operating cost to the dispensary to any licensee of a Class A, B, or C beer, wine and liquor license.

(e) (1) In this subsection, “Department” means the Worcester County Department of Liquor Control.

(2) This subsection applies only in Worcester County.

(3) (i) Beginning on July 1, 2014, a licensee in the county may elect to purchase wine or liquor from a licensed wholesaler by providing written notice of the licensee’s intent to the Department at least 60 days before the date the purchasing activity is to start.

(ii) The notice shall contain:

1. The name of the licensee;
2. The name and address of the licensed premises; and
3. The date that the notice was sent to the Department.

(4) A licensee that meets the requirements of this subsection may

purchase wine or liquor from a licensed wholesaler in addition to or instead of the Department.

(5) (i) The Department shall issue a letter of confirmation to a licensee that meets the requirements of this subsection.

(ii) The licensee shall display the letter conspicuously on the licensed premises.

§15–205.

Subject to § 16–407.1 of this article, the liquor control board of each county shall have full power and authority within its county:

(a) (1) (i) To appoint such employees as may be necessary to conduct such county liquor dispensary or branch dispensaries, fix their compensation and require such bonds for the faithful performance of their duties as the board may in each case determine.

(ii) In Montgomery County, effective July 1, 1951, the positions of General Manager and Treasurer of the Liquor Control Board are hereby abolished. All existing employees of the Board, except those whose positions are abolished herein, shall be entitled to continue to be employed on probation of six months duration at their existing salaries subject to passing qualifying examinations and regulations of the County Personnel Board. All employees of the Department except the Director shall be appointed and hold their positions subject to the regulations. The office of the County Attorney shall furnish legal services to the Department.

(2) This paragraph applies only to Garrett County. The position of clerk of the Board of License Commissioners is abolished as of July 1, 1987. The County Commissioners shall provide administrative, clerical, and accounting services to the Board of License Commissioners as are needed in the execution of their duties under the provisions of this article. The County Commissioners shall provide legal counsel to the Board of License Commissioners through the office of the County Attorney or bear the expense of competent private legal counsel for the Board.

(b) To purchase from any licensed wholesaler or manufacturer any sparkling or fortified wine or any other alcoholic beverage which the Board is authorized to sell, upon which the tax imposed by § 5–102 of the Tax – General Article has been paid, and to purchase from any nonresident or resident producer or dealer any such alcoholic beverages and import the same for resale, as hereinafter provided; but such importations shall not be resold until the excise tax has been paid.

(c) To sell such alcoholic beverages in sealed containers, as above provided, at such prices as may be determined by the board, which prices shall be uniform in all stores in the said county.

(d) To refuse to sell any alcoholic beverage to any person who, in its judgment,

is not a suitable person to purchase or consume such beverages; to restrict and/or limit the quantities of said alcoholic beverages which might be sold at any given time or period to any individual consumer or licensee by such system or methods as may be prescribed by the liquor control board.

(e) (1) To make any and all contracts, rules and regulations which they may deem necessary or desirable to carry out the powers conferred upon them by this article.

(2) In Harford County, the Board shall hold public hearings on all proposed alterations of its rules and regulations. These hearings shall be advertised in two or more newspapers of general circulation in the county at least two consecutive weeks prior to the scheduled public hearings.

(f) To sell and ship outside of county any containers or packages of alcoholic beverages kept for sale in the dispensary or branch dispensaries, provided that such shipment is not prohibited by law applicable in the place where shipment is consigned.

(g) To rent, lease, or purchase premises necessary for the conduct of said dispensaries, subject to the approval of the county commissioners.

(h) Unless otherwise provided in this subtitle, to fix the hours for opening and closing all dispensaries and branch dispensaries; and it shall be unlawful to remain open or sell any alcoholic beverages after the regular closing hours.

(i) (1) In Harford County, the Liquor Control Board shall employ one full-time chief inspector and such other inspector or inspectors as in its discretion shall be required from time to time. Provided, however, that neither the Sheriff, any deputy sheriff or any constable or municipal peace officer in Harford County shall be eligible to be appointed or to serve as the chief inspector or as an inspector. The person appointed to be chief inspector shall have had at the time of appointment investigative experience as a police officer or as an inspector for a governmental agency or as a police officer or investigator for a private agency. After appointment, the chief inspector shall serve as such and shall be discharged only for cause involving dishonesty, incompetency or immoral conduct; and prior to his discharge, he shall be given a list of the charges against him and an opportunity to reply thereto in an open hearing either in person or by counsel. The chief inspector with the approval of the Liquor Control Board shall be empowered to contract with or hire any independent accounting firm to audit the books and accounts of any licensee. The Liquor Control Board is authorized to establish and change from time to time such reasonable compensation for the chief inspector or any other inspector or inspectors as is warranted by their respective duties and responsibilities. Nothing in this subsection shall be construed to relieve from the responsibility of enforcing the provisions of this article in Harford County the several peace officers listed in § 16-401 of this article.

(2) In Harford County the Liquor Control Board shall appoint a general manager, who shall act as secretary-treasurer of the Board and who shall be the chief business administrative officer of the Board under its control and supervision. No Board

member shall be eligible to fill said position while retaining his membership on the Liquor Control Board. The manager so appointed shall hold office during good behavior and shall be discharged only for cause involving dishonesty, incompetency, or immoral conduct after opportunity for hearing.

(3) The salaries of all employees of the Liquor Control Board shall be fixed by the Liquor Control Board, subject to the approval of the County Executive and County Council. The County Council shall also review the adequacy of the fidelity bonds required of the employees by the Liquor Control Board for the protection of the county.

(4) Notwithstanding any other provision of the Code or local law, employees of the Harford County Liquor Control Board are subject to the provisions regarding conflicts of interest, and lobbying activities found in Title 5, Subtitle 5, Part I and Subtitle 7 of the General Provisions Article, but may not be required to file the statement required by § 5-601 of the General Provisions Article.

(j) Repealed.

(k) (1) In Montgomery County, in addition to the powers already enumerated in this section, which powers are subject to the approval of the County Executive, the director of the Department of Liquor Control shall have power to acquire, with the approval of the County Executive, by lease, purchase or otherwise, such real or personal property as may be deemed necessary by the director to operate dispensaries, stores or warehouses. He may acquire, by purchase or otherwise, any alcoholic beverages from any source for resale. Except for purchases of merchandise for resale, all purchases shall be made through the county purchasing office.

(2) Effective July 1, 1951, the title to all real and personal property now used by or in the name of the Liquor Control Board, including money in banks, credits, accounts receivable, trucks, automobiles, equipment, stock in trade, leases, franchises, contracts and the title to the liquor dispensary building located in Silver Spring, Maryland, more particularly described in a deed dated July 27, 1943, and recorded among the land records of Montgomery County in Liber 917, folio 156, shall be and is hereby vested in Montgomery County, Maryland. Nothing in this subtitle shall be construed to impair the validity of any outstanding contracts or obligations of any nature to which the Liquor Control Board has heretofore become a party.

(l) (1) In Worcester County, subject to the approval of the County Commissioners, the Director of the Department of Liquor Control may purchase or otherwise acquire:

(i) Real or personal property that the Director considers necessary to operate dispensaries, stores, or warehouses; and

(ii) Subject to paragraph (2) of this subsection, wine and liquor from any source for resale.

(2) (i) 1. Acting as a wholesaler, the Department of Liquor Control may purchase wine and liquor, on which the excise tax has not been paid, from a licensed wholesaler.

2. The Department of Liquor Control may only resell the wine and liquor purchased under this subparagraph to a nondispensary, licensed retailer and only after the excise tax has been paid.

(ii) Acting as a retailer, the Department of Liquor Control may purchase wine and liquor, on which the excise tax has been paid, from a licensed wholesaler for retail sale in dispensary stores.

(m) In Wicomico County, the Liquor Control Board may hold wine tasting and sampling promotional events in county liquor dispensaries in accordance with the following restrictions:

(1) The Liquor Control Board may not serve to an individual more than 1 ounce from each brand at an event;

(2) The number of bottles that may be open at any one time at an event may not exceed six;

(3) The number of days during which events are conducted in the County may not exceed 10 in any 12-month period;

(4) Once opened, each bottle used for an event shall be marked that it is to be used only for that purpose;

(5) The contents of each bottle may not be mixed with the contents of any other bottle, and all bottles shall be destroyed once they are empty; and

(6) Wine tasting and sampling may be conducted for on-premises consumption only and may not be conducted using a drive-through window.

§15-206.

(a) The liquor control board shall keep accurate records of all purchases of alcoholic beverages, which records shall be open to inspection by the Comptroller or any of his deputies during all regular business hours, and shall also prepare and forward to the board of county commissioners a report for the period ending on April 30th, in each year, which report shall contain a full and complete statement of the business transacted by the board and the results of the operation of the dispensaries or branch dispensaries established under the authority of this subtitle.

(b) In Garrett County the books and accounts of the dispensary and of the Liquor Control Board shall be audited at the same time as the books and accounts of the Board of County Commissioners.

(c) Provided, that in Wicomico County the reports to the County Commissioners shall be submitted monthly. The June 30th annual report shall be submitted to the County Commissioners, copy of which shall be printed in a newspaper of frequent and general circulation, published in Wicomico County.

(d) In Montgomery County the Department of Finance shall keep accurate records of all purchases of alcoholic beverages, and also shall prepare and forward to the County Council and the County Executive of Montgomery County an annual report for the prior fiscal year.

§15-207.

(a) Profits and reserves shall be accounted for as follows:

(b) Repealed.

(b-1) In Garrett County all net profits arising from the operation of the dispensaries shall be first applied towards the payment of any and all sums advanced to or borrowed by the Liquor Control Board. After such sums have been paid, the Board shall be authorized to create and maintain a reserve fund to provide adequate working capital and to meet any losses that may be sustained by the Board in the operation of the dispensaries, all net profits in excess of the above shall belong to and be paid over to the County Commissioners of Garrett County at such times as the Garrett County Liquor Control Board shall, in their discretion, deem appropriate, but all accumulated profits, if any, shall be paid to the County Treasurer on February 1 and September 1 of every year.

(c) Repealed.

(d) Repealed.

(e) All moneys derived from the sale of alcoholic beverages shall be deposited in a bank or banks located within Montgomery County in the name of Montgomery County, Maryland, and such money shall be disbursed by the Director of Finance in the same manner as other county funds. There shall be an adequate balance of working capital within the county's liquor control fund as determined by the director of the Department of Liquor Control and the Director of Finance and shall be subject to the approval of the County Executive. The amount of the working capital shall be adequate to provide for the continued operation of the dispensary system. The net profits derived from the sale of alcoholic beverages shall be applied in the first instance toward the payment of current interest and retirement charges on such notes, certificates of indebtedness and/or bonds as may be issued by the County Council for the purpose of raising funds for the establishment and operation of the dispensary system. Secondly, the net proceeds shall be applied to the maintenance of adequate working capital. Thirdly, the balance of the net proceeds shall be deposited as general funds of Montgomery County.

(f) (1) All net profits derived from the operation of the dispensaries in

Somerset County shall be applied toward the repayment of any money advanced to or borrowed by the Liquor Control Board.

(2) After the repayment of the money specified under paragraph (1) of this subsection, the Board may maintain a reserve fund not to exceed \$150,000 for the following purposes:

(i) To provide adequate working capital; and

(ii) To meet any losses sustained by the Board in the operation of the dispensaries.

(3) From the reserve fund, each county dispensary shall receive an amount as follows:

(i) The dispensary in Crisfield, up to \$50,000;

(ii) The dispensary in the West Princess Anne election district, up to \$50,000; and

(iii) The dispensary in the Dublin election district, up to \$50,000.

(4) (i) Twenty-five percent of all net proceeds generated by the dispensaries in Crisfield and in the West Princess Anne election district, in excess of those proceeds required for the maintenance of the reserve fund, shall be remitted to the City of Crisfield and Town of Princess Anne on or before June 1st of each year, to be divided equally.

(ii) The remaining 75 percent of all those net proceeds generated by the dispensaries specified in subparagraph (i) of this paragraph shall be remitted to the County Commissioners of the county on or before May 1st of each year.

(iii) One hundred percent of all net proceeds generated by the dispensary in the Dublin election district in excess of those proceeds required for maintenance of the reserve fund shall be remitted to the Somerset County Commissioners on or before May 1 of each year.

(g) (1) This subsection applies only in Wicomico County.

(2) All net profits arising from the operation of the dispensaries shall be first applied towards the payment of any and all sums advanced to or borrowed by the Liquor Control Board.

(3) After the sums have been paid, the Liquor Control Board shall be authorized to create and maintain, subject to the approval of the Wicomico County Council, a reserve fund to provide adequate working capital and to meet any losses that may be sustained by the Liquor Control Board in the operation of the dispensaries.

(4) Any remaining net profits shall be paid to the county on January 1, April 1, August 1, and October 1 of each year.

(h) (1) This subsection applies only in Worcester County.

(2) (i) All net profits arising from the operation of these dispensaries are first applied towards the payment of any and all sums advanced to or borrowed by the Liquor Control Board that are currently due and owing.

(ii) After these sums are paid, the Board is authorized to create and maintain a reserve fund not to exceed \$400,000.

(iii) The reserve fund is maintained to provide adequate working capital and to meet any losses that may be sustained by the Board in the operation of these dispensaries.

(3) Fifty percent of all net profits in excess of the reserve fund shall be paid to the County Commissioners of Worcester County on or before June 1 each year. The remaining 50 percent shall be paid on or before June 1 each year to the mayors and city councils of Berlin, Ocean City, Pocomoke City, and Snow Hill, and to all homeowners associations that oversee a housing development in which a liquor dispensary has been established in accordance with § 15-203(f) of this subtitle, in proportion to the net profits on total sales of the dispensaries situated in each of these municipalities and homeowners associations. For purposes of calculating the municipalities' share and if the County Commissioners consent to it for each municipality, a radius of 2 miles outside of the municipal boundaries shall be considered as being within the corporate limits. In the rural areas outside of the 2-mile radius of those municipalities, the net profits shall go to the general funds of Worcester County.

(4) (i) The amounts paid to the mayors and city councils of Berlin, Ocean City, Pocomoke City, and Snow Hill shall be used for general municipal purposes.

(ii) The amounts paid to the homeowners associations shall be used for the benefit of the special police forces of the housing developments in which a liquor dispensary has been established.

§15-208.

(a) (1) No member or employee of a liquor control board shall have any financial interest, directly or indirectly, in the manufacture of any alcoholic beverage, or in any alcoholic beverage purchased or sold under the provisions of this article or derive any profit or remuneration from the purchase or sale of any such beverage other than the salary or wages payable for the discharge of the duties of the office or position, as herein prescribed or authorized.

(2) Any member of the board, or any employee of said board, violating the provisions of this subsection shall, upon conviction, be subject to a fine not exceeding two thousand dollars (\$2,000.00) or to imprisonment, not exceeding three years, or both

fine and imprisonment, in the discretion of the court.

(b) (1) In Montgomery County, an employee of the Department of Liquor Control for Montgomery County, a member of the Montgomery County Council, or the Montgomery County Executive may not have any financial interest, directly or indirectly, in the sale, manufacture, blending, brewing, distilling, rectifying or wholesaling of any alcoholic beverage purchased or sold under the provisions of this article. An employee of the Department of Liquor Control may not have any interest in any license issued under the provisions of this article. An employee of the Department of Liquor Control may not solicit or receive directly or indirectly, any fee, commission, gratuity, emolument, remuneration, reward, present or sample of any alcoholic beverage, from any person, partnership, firm or corporation, agents, servants or employees, engaged in the sale, manufacture, blending, brewing, distilling, rectifying, wholesaling or distribution of alcoholic beverages, or any licensee licensed under the provisions of this article, or to derive any profit or remuneration from the purchase or sale of any such beverage other than the salary or wages payable by the county for the discharge of the duties as herein prescribed or authorized.

(2) In Montgomery County, a person, firm, association or corporation, engaged in the manufacture, sale, blending, brewing, distilling, rectifying, wholesaling or distribution of alcoholic beverages (or any agent, servant, or employee thereof), and a licensee (or employee thereof) licensed under the provisions of this article, may not directly or indirectly offer, pay or give any fee, emolument, remuneration, reward, present, commission, gratuity, or sample of any alcoholic beverages or make any gift of any value whatever to any employee of the Department of Liquor Control for Montgomery County, or any member of the Montgomery County Council, or the Montgomery County Executive.

(3) This subsection does not prevent any manufacturer, brewer, wholesaler or dealer in alcoholic beverages now selling or in the future attempting to sell or selling alcoholic beverages to the Department of Liquor Control from giving and delivering samples of alcoholic beverages to the Department. Any person, firm or corporation delivering samples of alcoholic beverages to the Department shall obtain an official receipt, signed by the director of the Department of Liquor Control, stating in detail the amount and description of the sample, which samples, when so received, shall be inventoried and sold as are other beverages purchased by the Department.

(4) Subject to the provisions of the Montgomery County Public Ethics Law, the Department of Liquor Control may grant exceptions to the restrictions of this subsection relating to dual employment by employees of the Department of Liquor Control whose employment by an alcoholic beverages licensee directly relates to the performing arts.

(5) Any person, firm, association, corporation or licensee violating the provisions of this subsection shall be fined not more than \$5,000 or imprisoned not more than 12 years, or both.

§15–209.

The Department of Liquor Control for Montgomery County shall have the immunity from liability described under § 5-504 of the Courts and Judicial Proceedings Article.

§15–210.

This subtitle shall apply to Garrett, Harford, Montgomery, Kent, Somerset, Wicomico and Worcester counties.

§16–101.

(a) The decision of a local licensing board, in approving, suspending, revoking and restricting, or refusing to approve, suspend, revoke or restrict a license, or a licensee, shall be subject to appeal in the manner provided in this section.

(b) (1) Subject to paragraphs (2) and (3) of this subsection, the following persons may appeal a decision of a local licensing board to the circuit court of the county upon payment of all costs incident to the hearing before the local licensing board:

(i) Any alcoholic beverages licensee that holds a license issued by the local licensing board;

(ii) An applicant for an alcoholic beverages license that is the subject of the decision by the local licensing board; and

(iii) Any group of not less than 10 persons who are residents or real estate owners in the precinct or voting district in which the licensed place of business is located or proposed to be located.

(2) In Somerset County, in addition to the requirements of paragraph (1) of this subsection with respect to the payment of all costs incident to the hearing before the Board of License Commissioners, a person that appeals a decision of the Board to the circuit court shall pay to the Board an appeal fee of \$100.

(3) A licensee, license applicant, or group that appeals a decision of a local licensing board under paragraph (1) of this subsection, must be aggrieved by the decision of the board and must have appeared at the hearing of the board either in person, by a representative, or by the submission of a written document that was introduced at the hearing.

(4) In Prince George's County, the governing body of the municipality in which the licensed place of business is located or proposed to be located may appeal therefrom to the circuit court of the county upon payment of all costs incident to the hearing before the Board of License Commissioners.

(c) (1) Subject to paragraph (2) of this subsection, on the filing of an appeal, the local licensing board may stay its order until the final determination thereof.

(2) In Baltimore City, an order by the Board of Liquor License Commissioners to revoke a license may be stayed, pending appeal, only by the court with which the appeal has been filed.

(d) The clerk of the circuit court for Carroll, Charles, Howard, or Prince George's County, before docketing an appeal shall first collect, from the person or persons so appealing, all court costs and a statement from the clerk of the board of license commissioners that the costs for getting records and transcripts of proceedings of the hearing before the board have been paid. Costs may not be assessed against the board of license commissioners.

(e) (1) (i) Upon the hearing of such appeal, the action of the local licensing board shall be presumed by the court to be proper and to best serve the public interest. The burden of proof shall be upon the petitioner to show that the decision complained of was against the public interest and that the local licensing board's discretion in rendering its decision was not honestly and fairly exercised, or that such decision was arbitrary, or procured by fraud, or unsupported by any substantial evidence, or was unreasonable, or that such decision was beyond the powers of the local licensing board, and was illegal. The case shall be heard by the court without the intervention of a jury. If in the opinion of the court it is impracticable to determine the question presented to the court, in the case on appeal, without the hearing of additional evidence, or if in the opinion of the court any qualified litigant has been deprived of the opportunity to offer evidence, or if the interests of justice otherwise require that further evidence should be taken, the court may hear such additional testimony to such extent and in such manner as may be necessary.

(ii) In Prince George's County notwithstanding any other provision of this article, but in addition thereto, if, before the date set for hearing, written application by petition to show cause is made to the court for leave to present additional evidence on the issues in the case, either by the party appealing or any party in interest properly before the court, and it is shown to the satisfaction of the court after a hearing thereon that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Board of License Commissioners, the court shall order that the additional evidence be taken before the Board of License Commissioners upon such conditions as the court deems proper; and the case shall forthwith be remanded to the Board of License Commissioners for the taking of such additional testimony. In cases in which the additional evidence is taken before the Board of License Commissioners, the said Board of License Commissioners may modify or reverse its previous findings and decision by reason of the additional evidence and shall file with the reviewing court, to become a part of the record, the additional evidence together with any modifications or new findings or decision, and the court may reverse or modify the decision (or modified decision) of the Board of License Commissioners or remand the proceedings to the Board of License Commissioners if the court should determine that the substantial rights of any party

appealing, whether petitioners for a license or objectors to the issuance of a license or any licensee appealing from the decision of the Board, may have been prejudiced.

(2) In such actions of appeal the local licensing board involved may be represented by some qualified attorney designated for such service by the board.

(3) Reserved.

(4) (i) If the court reverses the action of the local licensing board it shall file with the papers a written statement of the reasons. The court may modify, as well as affirm or reverse, the action of the local licensing board. Costs shall be awarded as in other civil cases.

(ii) In addition to the other powers of the court provided in this article, the court may remand the proceedings to the local licensing board in the following jurisdictions:

1. Anne Arundel County;
2. Baltimore City;
3. Calvert County;
4. Carroll County;
5. Charles County;
6. Frederick County;
7. Harford County;
8. Howard County;
9. Montgomery County;
10. Prince George's County; and
11. St. Mary's County.

(f) (1) Notwithstanding any other provision of law, any party of record to an appeal of a decision of a local licensing board to the circuit court may appeal the decision of the circuit court:

(i) To the Court of Special Appeals; or

(ii) By certiorari, to the Court of Appeals.

(2) The Court of Special Appeals or the Court of Appeals may not stay a local licensing board's decision to impose sanctions on a licensee if:

(i) An appeal of a decision of a circuit court is made under this section; and

(ii) The decision being appealed affirmed the decision of the local licensing board.

§16–102.

In Harford County, notwithstanding any other provisions in this subtitle, (a) the Liquor Control Board may elect to have any appeal tried before a jury; and (b) in the case of an appeal where the license has been suspended or revoked by the Board, the Board may permit the applicant or licensee to operate pending the appeal.

§16–103.

A person whose license has been revoked by the Board of Liquor License Commissioners for Baltimore City may not give, serve, dispense, keep, or allow to be consumed any alcoholic beverages until a stay is granted in accordance with § 16–101(c) of this subtitle or the revocation is reversed on appeal.

§16–201.

In Anne Arundel County it shall be unlawful for any person to drink, display, or be in possession of, on the licensed premises of any license holder, any alcoholic beverages not purchased from the license holder on said premises, and likewise, it shall be unlawful for any license holder to permit any person to drink, display, or be in possession of, any alcoholic beverage not purchased from the said license holder on the premises covered by the license which he holds. Premises for the purposes of this section shall include any building, parking lot, picnic grounds, terrace or grounds which form an integral part of the licensed premises. This section shall apply to the first, second, third, fourth, fifth, seventh, and eighth districts of Anne Arundel County only.

Provided, however, that holders of “beach and amusement park licenses” may grant written permission to patrons of their beaches or parks to bring alcoholic beverages not purchased from said licensees upon the licensed premises, and to permit the consumption of said beverages upon the licensed premises.

§16–202.

In Dorchester County it shall be unlawful for any person to display or drink in any bar, restaurant, tavern or any other licensed place, any alcoholic beverages other than that which may be lawfully sold by the licensee therein. Any person who drinks or displays any such beverage in violation of the provisions hereof, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five dollars (\$5.00), nor more than twenty-five dollars (\$25.00).

§16–301.

(a) In addition to the powers otherwise provided by this article, the Comptroller and the board of license commissioners from any county or Baltimore City, respectively, have full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by this article.

(b) The Baltimore City Board of License Commissioners shall not require: That protests against the issuance or transfer of any license must be accompanied by an abstract of title from the land records of Baltimore City substantiating the protestants' ownership of the real or leasehold property, but it may require that a qualified person familiar with the land records of Baltimore City appear at the hearing and testify as to who is the holder of full legal title as shown by the land records of Baltimore City. In case of property owned jointly, if one owner appears in person at the hearing as a protestant, the other owner's protest may be recorded by an affidavit. The Board shall supply a form of acceptable affidavit upon request to any person representing himself to be a protestant.

(c) The Baltimore County Board of License Commissioners shall publish notice of any intended action to change or promulgate rules and regulations not less than 30 days in advance of the effective date of the proposed rules and regulations in a newspaper of general publication in Baltimore County and shall afford all interested persons a reasonable opportunity to submit data or views orally or in writing prior to the effective date of the proposed rules and regulations.

§16–302.

The Comptroller is hereby directed and empowered to make, amend, alter and publish rules and regulations for the proper enforcement of his duties under this article. He is authorized to adopt rules and regulations in regard to labeling and advertising similar to those adopted by the Federal Bureau of Alcohol, Tobacco and Firearms; nature, form and capacity of all containers; credit sales; records to be kept by licensees and others engaged in the business; and such other subjects as may be deemed necessary for the proper administration of his duties under this article. Any violation of any rule or regulation adopted hereunder, or under the provisions of the Tax - General Article that relate to the alcoholic beverage tax, shall be ground for revocation or suspension of license, and the offender shall be subject to the penalties prescribed by § 16-503 of this article.

§16–303.

The Comptroller is hereby authorized and empowered to make, amend, alter and publish rules and regulations regarding the amount of deposit on returnable beer containers which shall be charged and collected by manufacturers and wholesalers of beer.

§16-401.

It shall be the duty of the various State's Attorneys, sheriffs, constables, bailiffs, police and other prosecuting and peace officers of every sort, to enforce the provisions of this article, and to prosecute those persons charged with violation of the provisions thereof. No powers or duties herein conferred upon the Comptroller or any other State official shall be deemed to relieve local officials from this duty of enforcement and prosecution. Nothing herein shall be deemed to restrict in any manner the appropriation of funds by the political subdivision of this State to aid in the enforcement of the provisions of this article. The provisions of this section shall not apply to the Sheriff, constables and bailiffs of Baltimore County.

§16-402.

In Calvert County, the Board of License Commissioners, or its designee, may inspect each licensed premises in the county at least once every six months.

§16-403.

In Harford County upon complaints or information coming to the Liquor Control Board or its chief inspector or inspectors concerning violations of the provisions of this section by any licensee, the said Board shall order an investigation of said complaints to be made by its chief inspector or inspectors and should such investigation disclose that such complaints or information is supported by evidence, then said Board shall immediately cause said licensee to appear before it to answer the charges. After a public hearing, the Board shall handle the case in accordance with the provisions of § 10-401 of this article.

§16-404.

(a) The Comptroller may investigate the manufacture, sale, purchase, use and transportation of industrial alcohol unfit for beverage use to the extent reasonably necessary to prevent conversion into alcoholic beverages fit for consumption. The Comptroller may call upon other administrative departments of the State, county and municipal governments, county and city police departments and upon all prosecuting officers for such information and assistance as he may deem necessary to carry out the provisions of this article.

(b) The Comptroller is authorized to delegate the Comptroller's authority under this article to the director of the Alcohol and Tobacco Tax Bureau of the Comptroller's office to issue or refuse to issue licenses and permits.

(c) The Comptroller is authorized to delegate the Comptroller's authority to conduct hearings of violations of this article or of any regulations issued thereunder to the director of the Alcohol and Tobacco Tax Bureau of the Comptroller's office or any other employee of the Comptroller's office; provided, however, the director of the Alcohol and Tobacco Tax Bureau of the Comptroller's office or any other employee of the Comptroller's office delegated by the Comptroller shall not have the authority to invoke

penalties provided for under this article, but shall report the employee's findings and recommendations to the Comptroller, for the taking of such action as the latter deems appropriate.

§16-405.

The Comptroller, his duly authorized deputies, inspectors and clerks, the board of license commissioners of the county or the city in which the place of business is located, its duly authorized agents and employees, and any peace officer of such county or city, or any of them, shall be fully authorized to inspect and search, without warrant, at all hours, any building, vehicle and premises in which any alcoholic beverages are authorized to be kept, transported, manufactured or sold under a license or permit issued under the provisions of this article, and any evidence discovered during any such inspections shall be admissible in any prosecution for the violation of the provisions of this or any other article, or upon any hearing for revocation, suspension or restriction of the license or permit. Any alcoholic beverages taken as evidence shall be returned to the license or permit holder if he be adjudged not guilty; otherwise it shall be sold to license holders, turned over to State institutions for medicinal use or destroyed. Receipts from such sales shall be credited to the general fund account of the State, county or Baltimore City as the case may be.

§16-406.

In a prosecution for selling alcoholic beverages without an appropriate license, proof that the defendant displayed or offered alcoholic beverages for sale or kept a place of business where alcoholic beverages were displayed or offered for sale is prima facie evidence that the defendant sold alcoholic beverages.

§16-407.

(a) There is a Field Enforcement Bureau under the Comptroller, with such officers and employees as may be provided for in the budget from time to time.

(b) The officers and employees of the Field Enforcement Bureau shall be sworn police officers and shall have all the powers, duties and responsibilities of peace officers for the enforcement of the provisions of this article having to do generally with (1) the illegal importation of alcoholic beverages into this State; (2) the illegal manufacture of alcoholic beverages in this State; (3) the transportation and/or distribution throughout this State of alcoholic beverages which were manufactured illegally and/or on which any alcoholic beverages taxes imposed by this State are due and illegally unpaid; and (4) the manufacture, sale, barter, transportation, distribution or other form of owning, handling or dispersing alcoholic beverages by any person, persons, associations or corporation not licensed or authorized therefor under the provisions of this article. They are authorized and empowered, from time to time to make cooperative arrangements for and to work and cooperate with the various State's Attorneys, sheriffs, constables, bailiffs, police and other prosecuting and peace officers of every sort, in order to enforce the provisions of this article and as provided in this

section.

(c) The Field Enforcement Bureau shall consult and advise with the several State's Attorneys and other law enforcement officials and police officers as to enforcement problems in their respective jurisdictions, and may make suggestions and recommendations for changes to improve the execution and administration of the provisions of this article.

§16-407.1.

The Comptroller shall enforce the provisions of this article applicable to:

(1) The purchase or importation of alcoholic beverages by a department of liquor control or a liquor control board; and

(2) The sale of alcoholic beverages to a wholesaler or retail dealer by a department of liquor control or a liquor control board.

§16-408.

The inspectors in Anne Arundel County, Frederick County, Harford County, Montgomery County, and Prince George's County who investigate license violations under this article may issue civil citations as provided in § 10-119 of the Criminal Law Article.

§16-409.

(a) (1) In order to promote and protect the public safety and the peace of the community in Cecil County, by reason of the presence of many persons engaged in the enforcement of the laws of other states, in Cecil County any agent, employee, or representative of the liquor control board from another state shall register in person at the Sheriff's office not less than 30 days in advance of each entry into the county for the purpose of observing any alcoholic beverages sales.

(2) At the time of registration the person shall provide the following information:

(i) A written statement setting forth the identity of the out-of-state official;

(ii) The purpose of the intended entry into Cecil County;

(iii) The make, model, and license number of each and every vehicle to be used in the conduct of any surveillance activity;

(iv) The specific establishments at which surveillance will be conducted; and

(v) The specific times for surveillance of each establishment.

(b) Any person who registers shall be issued a certificate of registration which must be retained in the possession of the person during all investigative or surveillance activities.

(c) Any person who fails to register as required by this section, or who having registered violates any provision of this section, shall lose his right to register or his registration, as the case may be, for a period of six months.

(d) Any person who, during the period he has lost his right to register, violates this section, is guilty of a misdemeanor and upon conviction shall be fined not more than \$1,000 or imprisoned for not more than two years, or both.

§16-410.

(a) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Comptroller, the boards of license commissioners, or the members of the boards, as appropriate.

(3) “County” means any county and Baltimore City.

(4) “Sheriff” means the sheriff of any county or the Baltimore City Police Department.

(b) (1) For the purpose of all hearings and inquiries which the board is authorized to hold and make, the board may issue summonses for witnesses, and administer to them oaths or affirmations.

(2) (i) All summonses shall be served by the sheriff, except that:

1. In the City of Annapolis, summonses may also be served by the Annapolis Police Department;

2. In Anne Arundel County, summonses may also be served by inspectors employed by the Board and by the Anne Arundel County Police Department;

3. In Baltimore City, summonses may also be served by inspectors employed by the Board of Liquor License Commissioners for Baltimore City;

4. In Cecil County, summonses may also be served by inspectors employed by the Cecil County Board of License Commissioners;

5. In Dorchester County, summonses may also be served by the inspector employed by Dorchester County and assigned to the Board of License Commissioners;

6. In Harford County, summonses may also be served by

inspectors employed by the Harford County Liquor Control Board; and

7. In Kent County, summonses may also be served by the inspector employed by the Kent County Board of License Commissioners.

(ii) If any witness summoned refuses or neglects to attend, or if attending, refuses to testify, the official issuing the summons shall report the facts to the circuit court for the county. The court shall proceed by attachment against the witness in all respects as if the witness summoned to appear in the court in a case pending before it had neglected or refused to do so.

(c) (1) This subsection applies in the following counties:

- (i) Anne Arundel County;
- (ii) Baltimore City;
- (iii) Baltimore County;
- (iv) Carroll County;
- (v) Cecil County;
- (vi) Frederick County;
- (vii) Garrett County;
- (viii) Howard County;
- (ix) Prince George's County;
- (x) Wicomico County; and
- (xi) Worcester County.

(2) A board may subpoena any records or papers pertaining to a licensed business or establishment.

(3) If a witness refuses to produce any records or papers so subpoenaed the board shall report the fact to the circuit court for the county, and the court shall proceed by attachment against the witness in all respects as if the refusal had been by a witness summoned to appear in the court in a case pending before it.

(d) (1) This subsection applies only in Anne Arundel County.

(2) The Board shall charge fees for the production and service of a summons. Those fees are:

- (i) \$20 for the production of the summons by the clerk to the Board;

(ii) \$5 for each address if the service is by mail and the address is provided by the clerk to the Board; or

(iii) \$30 for each address if the service is by an investigator employed by the Board.

(3) The fees for production and service of a summons may only be assessed against any licensee or party whom the Board has adjudicated responsible for a violation of any law, statute, rule, or regulation concerning alcoholic beverages.

(4) In addition to any other fines, penalties, or costs that may be imposed by the Board, the Board shall assess costs of \$100 against any licensee or party whom it has adjudicated to be responsible for a violation of any law, statute, rule, or regulation concerning alcoholic beverages.

(e) (1) This subsection applies only in Baltimore City.

(2) The Board may charge fees for the production and service of summonses and hearing notices. Those fees are:

(i) \$25 for the production of hearing notices or for summonses requested by parties appearing before the Board;

(ii) \$5 for each address served if the service is by mail and the address is provided to the Board; or

(iii) \$25 for each address served if service is by an employee of the Board.

(3) In addition to any other fines, penalties, or costs that may be imposed by the Board, the Board may assess the fee for the production and service of summonses and hearing notices and a \$100 administrative hearing fee for any licensee whom the Board is charging with violation of any law, statute, rule, or regulation concerning the sale of alcoholic beverages or who is requesting a transfer, expansion, or new license.

§16-411.

In Allegany County any city, town or municipal body shall have the right to pass ordinances not inconsistent with this article providing for the regulations and control of all licensees under this article which shall be situate within the limits of the said city, town or municipality, or within one mile thereof, in order to assist in the enforcement of this article.

§16-412.

In Anne Arundel County the Board of License Commissioners shall have the power to call upon the other administrative departments of the county and all prosecuting officers for such information and assistance as it may deem necessary to

carry out the provisions of this article. Nothing in this section shall apply to the sixth district of Anne Arundel County.

§16-413.

(a) In Montgomery County, it shall be unlawful for any person to have in a motor or other vehicle in which there is any alcoholic beverages any device for the prevention of arrest or apprehension of said vehicle or the occupants thereof of the type commonly known as a “smoke screen”, whether said device be attached as a part of said vehicle or not.

(b) Whenever any person shall charge on oath or affirmation before a judge of the District Court, or any grand jury shall present that any person or persons, house, company, association or body corporate has or have violated, in Montgomery County, any of the provisions of § 12-108 or subsection (a) of this section, and shall request the judge so to do, or in the case of presentment by the grand jury, the grand jury shall request the court to direct the clerk of the court issuing the warrant, the judge or clerk of the court, upon the direction of the court, shall issue his warrant, in which the house, building or other place or automobile or other vehicle in which the violation is alleged to have occurred shall be specially described, directed to the chief of police of the county, commanding him thoroughly to search the described house, building or other place, and the appurtenances or vehicle, and if any violation is found, to take into his possession and safely keep, to be provided as evidence when required, all alcoholic beverages other than beer and light wine, if the same is found in quantities and under conditions to indicate that it is kept for any barter, or any sale, or gift to a person under 21 years of age, and all the means, materials and instrumentalities for manufacturing, dispensing, otherwise disposing of, or transporting the same, and all the paraphernalia or part of the paraphernalia of a barroom or drinking saloon, and forthwith report in writing the facts to the State’s Attorney for Montgomery County, and any intoxicating liquors or the means, materials and instrumentalities for manufacturing, transporting, dispensing, or otherwise disposing of the same or the paraphernalia or part of the paraphernalia of a barroom or drinking saloon shall constitute prima facie evidence of the violation of the provisions of § 12-108 or subsection (a) of this section, as charged or presented.

§16-414.

(a) All places where intoxicating liquor is sold in violation of any provision of this article, shall be taken and held and are declared to be public nuisances, and may be abated as such; and it shall be part of the judgment of the court, upon conviction of the keeper, that the place where liquor is found to have been sold contrary to this article be shut up and abated until the keeper shall give bond, with sufficient security to be approved by the court, in the penal sum of two thousand dollars (\$2,000.00), payable to the State of Maryland conditioned that he will not sell intoxicating liquor contrary to law, and will pay all fines, costs and damages assessed against him for any violation thereof, and in case of a violation of the condition of such bond, suit may be brought and recovery had thereon for the use of the county, for any fine or fines, costs and damages that may be assessed against him under this article; and in the event a jury trial shall be

prayed when the case is brought before the District Court, or any appeal shall be taken, the place where the liquor is alleged to have been sold contrary to this article, shall be shut up and abated until the alleged offender shall give bond, with sufficient security to be approved by the court in the penal sum of two thousand dollars (\$2,000.00), payable to the State of Maryland, conditioned that pending said appeal and/or final disposition of the case he will not sell intoxicating liquor contrary to law, and will pay all fines, costs and damages assessed against him for any violation thereof, and in case of a violation of the condition of such bond, suit may be brought and recovery had thereon for the use of the county for any fine or fines, costs and damages that may be assessed against him under this article.

(b) (1) If any person or any officer of the law make a sworn complaint or an affidavit before a District Court judge in the county, particularly describing the house, store, boat, motor vehicle, aeroplane, premises or any other place or thing to be searched, and the things to be searched for, that he has reason to believe and does believe that intoxicating liquor is sold, or is kept for the purpose of being sold or otherwise disposed of in violation of the provisions of this article, or contrary to law, the judge shall forthwith issue his warrant to serve criminal process, directed to the sheriff, deputy sheriff of the county, or to any proper officer, commanding him to search the premises or house described and designated in such complaint and warrant and the appurtenances thereof, and if any such shall there be found to take into his possession and safely keep all intoxicating liquor and the vessels in which it is contained if the same shall be found in quantities and under such conditions as to suggest that it is kept for sale, and all the means used for the sale of the same, all the paraphernalia or part of the paraphernalia of a barroom or drinking saloon, and any United States Internal Revenue tax receipt for the sale of intoxicating liquor effective for the period of time covering the alleged offense, and forthwith report in writing the facts and make immediate return on said warrant.

(2) The warrant for search shall be directed to any proper officer, and shall show by a copy of the affidavit inserted therein, or annexed and referred to, or recite all of the material facts alleged in the affidavit, and particularly describe the thing to be searched for and the place, house or thing to be searched. A complaint or affidavit, a warrant for search and a return and report substantially in the following forms shall be sufficient:

State of Maryland, County, to wit:

To:, of County:

Greetings: Whereas, there has been filed with the undersigned an affidavit, of which the following is a copy, to wit: "Whereas on this day of, 20.., before the Subscriber, in and for said County, personally appeared, and made complaint and oath that he has just and reasonable cause to suspect and believe and does suspect and believe that intoxicating liquor is sold, or except for the purpose of being sold or otherwise disposed of in violation of the law in the of at, in of said County, and that in and upon said premises and at said place and house will be found upon search thereof, the following:

Intoxicating liquors, and the vessels and bottles in which the same are contained, and barroom, and drinking saloon paraphernalia, and the United States Internal Revenue tax receipt for sale of intoxicating liquor at this time effective (and any other facts material):

These Are Therefore, in the name of the State of Maryland, to command you, together with the necessary and proper assistance, to enter into the said of the said at, in in the County aforesaid, and there diligently search for the said intoxicating liquor and means used for the sale of same, or any part thereof as described in the foregoing affidavit of complaint, and that you bring the same, or any part thereof, found in such search, and the person or persons in whose custody they are found forthwith before me to be disposed of and dealt with according to law; and have you there this warrant.

Given under my hand this day of, 20...

.....
Judge of the District Court

REPORT AND RETURN

To Hon., Judge of the District Court in County.

This Return and Report, made this day of, 20.., is to certify, That pursuant and in obedience to the commands of the annexed warrant to me directed, I did on the day of, 20.., enter and search the place, house and premises described in said warrant and found and seized the following, to wit: (here set forth what was found and seized), and do forthwith bring the same, and one the person in whose custody the same were found before you.

.....
(Person serving warrant)

(c) (1) Such liquor and means used for the sale of the same shall be held subject to the order of the court to be used as evidence in the prosecution of any case before the court for the violation of this article, and any such or the possession of any such liquor or the means, materials and instrumentalities for manufacturing, transporting, dispensing, handling or otherwise disposing of the same

or the paraphernalia or part of the paraphernalia of a barroom or drinking saloon shall constitute prima facie evidence of the violation of the provisions of this subtitle as charged or presented. If fluids be poured out or otherwise destroyed when the premises, place or thing are searched or about to be searched, said fluids shall be held prima facie to be intoxicating liquor and intended for sale in violation of this article.

(2) In all prosecutions under this article, by charge, indictment or otherwise, it shall not be necessary to state the kind of liquor sold, handled or involved, nor to describe the place where sold, handled or involved, nor to show the knowledge of the principal to convict for the acts of an agent or servant, nor to state the name of any person to whom the liquor is sold, but it shall be sufficient to state in that regard that the act complained of took place in the county. The issuance of an internal revenue special tax stamp, or receipt by the United States, to any person as a wholesale or retail dealer in liquors or in malt liquors at any place within the county shall be prima facie evidence of the sale of alcoholic beverages of the class authorized to be sold under such stamp or receipt by such person at such place, or at any place of business of such person, within such territory where such stamp or receipt is posted, and at the time charged in any suit or prosecution under this article; provided, such time is within the life of such stamp or receipt. This paragraph shall apply only in Queen Anne's County.

(d) If upon final judgment of the court, the accused shall be found guilty, the intoxicating liquor seized from him shall, after the time for appeal has expired and if no appeal is taken, be ordered to be destroyed, and the other property shall be held as the property of the accused or owner. If the accused shall be found not guilty, the whole of the property seized shall be returned to the person from which it was taken. When any liquor shall have been seized by virtue of such warrant, the same shall not be discharged or returned to any person claiming the same by reason of any alleged insufficiency in the description in the complaint or warrant of the liquor or place, but the claimant shall be entitled to a hearing when the case is tried.

(e) If no one is found in possession of the premises, place, or thing where intoxicating liquor may be found, the officer taking the same shall post in a conspicuous place on said premises or at or near the location of the place or thing searched a copy of his warrant, and take possession of such liquor and means used for the sale of the same, and hold them subject to the order of the court and make return of his doing thereto. Whereupon it shall be the duty of the court to fix a time for the hearing and determine the purpose for which such liquor is kept, and issue a notice thereof to the officer, who shall post a copy thereof on the premises or at or near the location of the place or thing searched where the liquors were found. If no one appears at the time fixed for said hearing, nor within thirty days thereafter to claim such liquor and means used for the sale of the same, the court shall order the same destroyed or disposed of.

(f) No warrant shall be issued to search any residence accepted as such, unless it or some part of it is used as a store or shop, hotel, restaurant or boardinghouse, or unless such residence is a place of public resort, or unless such residence is utilized as a place for keeping, storing, hiding, secreting or furnishing or handling any intoxicating liquor, in any quantity intended or for the purpose of sale or disposition otherwise

contrary to this subtitle or contrary to law; provided, nevertheless, if the judge of the District Court shall, after an examination of the party making the oath or taking such other proof as may be produced, deem it proper to issue such warrant then the judge of the District Court, may, in his discretion, issue the warrant as hereinabove provided, for the searching of such a residence.

(g) The person making affidavit for the warrant to search any place or thing where intoxicating liquor is believed to be disposed of, kept, stored, deposited, hidden, secreted, handled or furnished contrary to this section, may personally or by agent accompany the officer who serves the warrant and point out and enter the place or thing with such officer and give information and assistance to such officer in searching such place, house or thing for such intoxicating liquor.

(h) Liquor seized as hereinbefore provided, and the means used for the sale of the same, shall not be taken from the custody of the officer by a writ of replevin or other process while the proceedings herein provided are pending; and final judgment of conviction in such proceedings shall be in all cases a bar to all suits for the recovery of any liquor seized or the value of the same, or for damages alleged to arise by reason of the seizing and detention thereof.

(i) When any prosecution is commenced for a violation of this article, and the liquor seized under this section is to be used as evidence in such trial, the hearing must take place in not more than thirty days if the court is then in session, and if it be not in session, within thirty days from the date when it is next in session. If at the time appointed for trial the returns have not been properly made, or for other sufficient cause, the trial may be postponed to a further date not more than fifteen days beyond said thirty days.

(j) The word "liquor", when used in this subtitle, unless the same be inconsistent with the context, shall be construed to include the vessels containing the same; the phrase "means used for the sale of the same", shall include all furniture, implements, equipment, instrumentalities, or paraphernalia of a barroom or drinking saloon or any part of same, and any United States Internal Revenue tax receipts effective for the period of time covering the alleged offense, and to include also any conveyance or vehicle; the word "place" shall be construed to include any edifice, apartment, room, tent, boat, wagon, conveyance, motor vehicle, aeroplane, or any open air location.

(k) Any private residence or any part thereof which is a place of public resort, or is used as a store or shop, or is utilized as a place for keeping, depositing, storing, hiding, secreting, handling, exchanging, distributing, furnishing or delivering any intoxicating liquor in any quantity whatever intended for sale or disposition otherwise contrary to this article or contrary to law, shall not be accepted or held as a private residence for the purpose of this article.

(l) Repealed.

(m) The giving away, furnishing, delivering, handling, distributing or exchanging of any intoxicating liquor by any storekeeper or at any private residences not accepted or held as such, or the taking or soliciting of orders, or the making of agreements by any person at or within the county for the sale or delivery or future giving away of any intoxicating liquors, or any other shift or device to evade any provision of this article, shall be held to be an unlawful selling.

(n) The County Commissioners of the county are hereby authorized to use any part of the fines imposed by a circuit court and collected for the violation of this article for hiring detectives or secret service officers (who shall be deputized proper officers). And when there are no funds available from fines collected for the violation of this article, such County Commissioners are hereby authorized to appropriate not more than two hundred dollars annually in Queen Anne's and Wicomico counties from the general revenue fund for the purpose of enforcing the provisions of this article.

(o) The intention of this section is to effectually prevent and suppress the evasions and violations of the liquor laws in the county, and for that purpose all the provisions of this section shall be liberally construed and interpreted; provided, however, that nothing contained in this section shall apply to shipments by means of common carriers operating under the Interstate Commerce Act where such carriers have no knowledge that said shipments contain intoxicating liquors.

(p) Every person convicted of violating any provision of this section shall be fined not less than two hundred dollars (\$200.00) in Queen Anne's County, nor more than five hundred dollars (\$500.00), or imprisoned in the county jail or House of Correction for not less than six months nor more than one year, or be both so fined and imprisoned, in the discretion of the court. If any person shall be convicted of violating any provision of this subtitle and shall subsequently violate any provisions of this subtitle, he shall, upon conviction thereof, be fined not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000.00), and imprisoned in the county jail or the House of Correction for not less than one year nor more than two years. One half of the fines imposed by a circuit court shall be paid to the clerk of the court for use as provided in § 7-507 of the Courts Article, and the other half to the County Commissioners for general county purposes. A certified transcript from the docket of the District Court or a certified copy of the record, under seal, of the clerk of any court shall be sufficient evidence of a previous conviction or convictions under any section of this subtitle.

In Crisfield the penalty shall be a fine of not less than fifty dollars nor more than one hundred dollars, or confinement in the House of Correction for not less than six months nor more than two years, or both, for each and every offense. In Wicomico County the penalty shall be a fine of not less than fifty dollars nor more than two hundred dollars, or imprisonment in the county jail for not less than three months nor more than six months, or both, for each offense.

(q) This section shall only apply to and be effective in Queen Anne's County, except that subsections (a), (b), (d), (e), (f), (g), and (h) hereof, shall also be effective in

the Town of Crisfield, Somerset County, and except that subsections (a), (b), (c), (d), (e), (f), (g), (h), and (n) shall also be effective in Wicomico County.

§16-501.

If any signed statement, report, affidavit, or oath, required under any of the provisions of this article, shall contain any false statement, the offender shall be deemed guilty of perjury, and upon conviction thereof, shall be subject to the penalties provided by law for that crime.

§16-502.

(a) All fines imposed or recognizances forfeited for any violation of any provision of this article shall be payable to:

(1) Except for Harford County, the county in which the offense was committed;

(2) Baltimore City, if the offense was committed in Baltimore City; or

(3) The Harford County Liquor Control Board, if the offense was committed in Harford County.

(b) Provided, that in Allegany County, one half of each fine shall be disposed of as provided by § 7-507 of the Courts Article. Where the offense has been committed in any incorporated city or town, one quarter shall go to said city or town as the case may be, and the remaining quarter shall be paid to Allegany County for its general purposes, and where said offense has been committed outside of any incorporated city or town, one half of said fine shall be paid to Allegany County for its general purposes.

(c) Provided further that in Carroll, Cecil, Dorchester, Kent, Somerset, Talbot and Wicomico counties one half of each fine shall be disposed of as provided in § 7-507 of the Courts Article.

(d) Provided that in Worcester County, one half of each fine shall be disposed of as provided in § 7-507 of the Courts Article.

§16-503.

Any person violating the provisions of this article for which no penalty, other than the suspension or revocation of a license or permit, is provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than one thousand dollars (\$1,000.00) or to imprisonment for not more than two years in the House of Correction, or jail, or both fined and imprisoned.

§16-504.

If any fine shall be imposed by any court upon any individual who has

obtained a license under the provisions of this article for or on behalf of any corporation, partnership, or unincorporated association, the corporation, partnership, or unincorporated association shall also be liable for the payment of such fine; and in case the penalty carries with it imprisonment, that penalty shall be borne by the individual.

§16-505.

In addition to any other fines or penalties provided for the violation of the provisions of this article, any person convicted of the unlawful manufacture of alcoholic beverages or the unlawful possession of materials, equipment, implements, devices and other property used or intended for use directly and immediately in connection with the unlawful manufacture of alcoholic beverages within this State, shall upon conviction be subject to a fine of not less than \$500.00 nor more than \$10,000.00 or to imprisonment for not more than five years, or both fine and imprisonment, in the discretion of the court.

§16-505.1.

(a) In this section, "AWOL machine" means an Alcohol Without Liquid device, a Vaportini, or any similar device that mixes an alcoholic product with pure oxygen or other gas to produce a vaporized product that can be inhaled.

(b) A person may not:

(1) Use an AWOL machine to inhale alcohol vapor or otherwise introduce alcohol in any form into the human body; or

(2) With the intent to introduce alcohol into the human body, possess, purchase, transfer, or offer for sale or use an AWOL machine.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

(2) Each violation of this section is a separate offense.

§16-505.2.

(a) A person may not sell at retail an alcoholic beverage with an alcohol content by volume of 95% (190 proof) or more.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

§16-505.3. IN EFFECT

// EFFECTIVE UNTIL JUNE 30, 2016 PER CHAPTER 475 OF 2015 //

(a) A person may not sell or offer for sale alcoholic beverages that are sold in powder or crystalline form for direct use or use in combination with water or any other substance.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

(2) Each violation of this section is a separate offense.

§16-506.

Every person who shall knowingly or wilfully have in his possession, transport, sell or offer for sale, or permit to be kept upon his premises, any alcoholic beverages subject to the tax imposed by this article, upon which the tax has not been paid, and every person who shall counterfeit or forge any stamp or certificate required by this article, or who shall participate in the evasion of the tax imposed by this article, or who shall violate any provisions of any rule or regulation prescribed by the Comptroller pursuant to the authorization contained in this article, shall, upon conviction, be subject to a fine of not exceeding ten thousand dollars (\$10,000.00) or to imprisonment for not more than five years or both fine and imprisonment in the discretion of the court.

§16-506.1.

(a) (1) A person in the business of selling or distributing alcoholic beverages in or from another state may not ship, cause to be shipped, or deliver alcoholic beverages directly to a recipient in this State if the seller, distributor, shipper, transporter, or recipient does not hold the requisite license or permit under this article.

(2) The prohibition under paragraph (1) of this subsection includes alcoholic beverages that are ordered or purchased through a computer network.

(b) A person who violates this section is guilty of a felony and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 2 years or both.

§16-507.

(a) Reserved.

(b) (1) In Allegany County (i) any municipal corporation may impose penalties for the violation of ordinances passed for the regulation and control of licensees under this article.

(ii) Any person violating any provision of this article, for which no other penalty is provided, shall upon conviction be subject to a fine of not more than five hundred dollars (\$500.00), or to imprisonment for not exceeding one year, or to both such fine and imprisonment in the discretion of the court.

(2) (i) The Board of License Commissioners of Allegany County may

either suspend or impose a fine on any licensee who violates the provisions of this article.

(ii) Money paid in lieu of suspension shall be paid into the general funds of the county.

(iii) The fine may not exceed \$2,500.

(iv) In reaching a decision as to whether to fine or suspend a licensee, the Board shall consider the following points:

1. That the public welfare and morals would not be impaired by allowing the licensee to operate during the period set for the suspension; and

2. The payment of the sum of money will achieve the desired disciplinary purposes.

(v) The Board may promulgate rules and regulations necessary to carry out the purposes of this subsection.

(c) (1) (i) In Anne Arundel County the Board of License Commissioners may impose a fine of not more than \$2,500 or suspend the license or both for any violation that is cause for suspension under the alcoholic beverage laws affecting Anne Arundel County.

(ii) A fine or suspension under subparagraph (i) of this paragraph is in addition to any other term or condition that the Board may impose as a result of the violation.

(2) In the City of Annapolis, the Board of License Commissioners may impose a fine of not more than \$2,000 in lieu of suspension of a license for any violation that is cause for suspension under the alcoholic beverage laws of the city.

(d) (1) For any violation that is cause for suspension under the alcoholic beverage laws affecting Baltimore City, the Baltimore City Board of License Commissioners may:

(i) Except as provided in paragraph (2) of this subsection, for a first offense, impose a fine of not more than \$500 or suspend the license or both; or

(ii) For any subsequent offense, impose a fine of not more than \$3,000 or suspend the license or both.

(2) For a first offense of selling alcoholic beverages to a person under 21 years of age, the Board may impose a fine of not more than \$1,000 or suspend the license or both.

(e) In Baltimore County, the Board of License Commissioners, after a public

hearing and on finding a violation, may impose a fine not exceeding \$2,000, and/or may suspend or revoke a license, for any violation that is cause for suspension or revocation under the alcoholic beverages laws and rules and regulations affecting Baltimore County.

(f) (1) This subsection applies only in Calvert County.

(2) Notwithstanding any other provision of this article, the Board of License Commissioners may:

(i) Except for a violation regarding a bottle club, impose a fine not exceeding:

1. \$1,000 for a violation of State law; or

2. \$500 for a violation of the rules and regulations of the Board;

or

(ii) Suspend an alcoholic beverages license for a violation of any alcoholic beverages law that applies in the county.

(3) If an alcoholic beverages licensee or an employee of an alcoholic beverages licensee sells alcoholic beverages to a person under the age of 21 years, the Board may:

(i) For a first offense, suspend the license for not more than 3 days or impose a fine not exceeding \$500 or both; and

(ii) For an offense occurring within 3 years after a prior offense, suspend the license for not more than 30 days or impose a fine not exceeding \$1,000 or both.

(4) Money collected under this subsection shall be deposited into the general fund of the county.

(5) In determining the length of a suspension under paragraph (3)(ii) of this subsection, the Board shall consider:

(i) The class of license; and

(ii) The economic impact the suspension will have on:

1. The business of the licensee; and

2. Employees of the licensee.

(6) The Board shall impose a fine under this subsection in accordance with § 10-1001 of the State Government Article.

(g) (1) This subsection applies only in Caroline County.

(2) The Board of License Commissioners may impose a fine of not more than \$2,500 or suspend a license, or both, for any violation that is a cause for suspension under the provisions of this article affecting Caroline County.

(3) The penalties in paragraph (2) of this subsection are:

(i) In addition to and not intended to limit other specific or general penalties for the same violation under this article; and

(ii) Intended to be independent of any related court action based on the same violation.

(4) All moneys collected under this subsection shall be deposited into the general funds of Caroline County.

(h) In Carroll County, the Board of License Commissioners may impose a fine of not more than \$2,000 or suspend a license for any violation that is cause for suspension under the alcoholic beverage laws affecting Carroll County or both.

(i) In Cecil County, the Board of License Commissioners may either impose a fine of not more than \$1,000 or suspend an alcoholic beverages license for any violation of the alcoholic beverages laws affecting Cecil County. All moneys collected under this subsection shall be deposited into the general funds of the county.

(j) (1) Notwithstanding any provision of this Code to the contrary, in Charles County, the Board of License Commissioners may impose a fine not to exceed \$2,500 or suspend an alcoholic beverage license or both, for any violation of the alcoholic beverage laws affecting Charles County. All moneys collected under this subsection shall be deposited into the general funds of the county.

(2) (i) In Charles County, if an alcoholic beverages licensee or an employee of an alcoholic beverages licensee sells alcoholic beverages to a person under 21 years of age, the Board of License Commissioners may:

1. For the first offense, suspend the license for not more than 3 days or impose a fine not to exceed \$750 or both; and

2. For each subsequent offense, impose a penalty as determined by the Board of License Commissioners.

(ii) In Charles County, if an employee of an alcoholic beverages licensee sells alcoholic beverages to a person under 21 years of age, the Board of License Commissioners may impose a fine on the employee not to exceed \$500 per offense.

(3) (i) In this paragraph the term “economic impact” includes, but is not

limited to, the ratio between total sales of alcoholic beverages as compared with the total sales of the establishment before and during a license suspension.

(ii) When determining the number of days for a suspension of a license for a subsequent offense as provided for in this subsection, the Board shall consider the class of license and the economic impact the suspension will have on the business.

(4) A fine levied by the Charles County Board of License Commissioners under this subsection shall be levied in accordance with the provisions of § 10–1001 of the State Government Article.

(k) (1) This subsection applies only in Dorchester County.

(2) The Board of License Commissioners may impose a fine not exceeding \$2,500 in addition to or instead of suspending a license for a violation that is a cause for suspension under the provisions of this article that apply in the county.

(3) The penalties under paragraph (2) of this subsection:

(i) Are in addition to and do not limit any other penalty for the same violation; and

(ii) Are independent of any court action based on the same violation.

(4) Money collected under this subsection shall be deposited into the general fund of the county.

(l) (1) In Frederick County, the Board of License Commissioners may impose a fine of not more than \$3,000 per offense or suspend an alcoholic beverages license for any violation that is cause for suspension under the alcoholic beverages laws affecting Frederick County.

(2) The Board may both suspend an alcoholic beverages license and impose the fine on a licensee for these violations.

(3) The Board may reduce a suspension by allowing the licensee to pay a fine of not more than \$1,000 for each week the suspension is reduced.

(4) All moneys collected under this subsection shall be deposited into the general funds of Frederick County.

(m) In Garrett County, the Board of License Commissioners may impose a fine of not more than \$3,000 or suspend a license for any violation of the alcoholic beverages laws affecting Garrett County.

(n) In Harford County, (1) the penalty for a violation of any provision of this article, if not elsewhere specified, shall be a fine of not more than one thousand dollars

(\$1,000.00), or imprisonment in jail for one year, or both fine and imprisonment in the discretion of the court.

(2) In addition to such fine or imprisonment for the illegal sale or offer of sale, or possession, of intoxicating liquors, any such liquors seized by the Sheriff of Harford County, or any other police officer, after the conviction of the possessor thereof, shall be confiscated and delivered to the said Liquor Control Board, to be sold and the proceeds paid to the County Treasurer for the use of Harford County.

(o) (1) This subsection applies only in Howard County.

(2) The Board of License Commissioners may impose a fine of not more than \$2,000 per offense or suspend a license, or both, for any violation that is cause for suspension under the alcoholic beverage laws affecting Howard County. All moneys collected under this subsection shall be deposited into the general funds of the county.

(p) (1) This subsection applies only in Kent County.

(2) Except as provided otherwise, the Board of License Commissioners may impose the following penalties for a violation of any provision of this article:

(i) For the first offense:

1. Suspension of the license;
2. Closure of the place of business for not more than 15 days;
3. A fine not exceeding \$1,000;

and

(ii) For the second offense:

1. Suspension of the license;
2. Closure of the place of business for not more than 30 days;
3. A fine not exceeding \$2,000;

and

(iii) For the third or subsequent offense:

1. Suspension of the license;
2. Closure of the place of business for not more than 90 days;
3. A fine not exceeding \$2,500; and

and

(iv) For a third offense that is the same as either of the 2 previous

offenses:

1. Revocation of the license;
2. Prohibition of licensure of the violator; and
3. Prohibition of licensure of the premises for a period of not more than 1 year from the date of the revocation of the license.

(3) The penalties provided in paragraph (2) of this subsection:

(i) Do not limit, but are in addition to, other specific or general penalties for the same violation under this article; and

(ii) Are independent of any related court action based on the same violation.

(4) The Board of License Commissioners shall hear and determine a case within 30 days from the date the violation is reported by an inspector or law enforcement officer. The Board shall make a determination of the case within 15 days after the conclusion of the hearing.

(5) An appeal from the Board's decision may not stay an order of the Board to suspend a license or close a place of business.

(q) (1) In Montgomery County, the Board of License Commissioners may, in lieu of suspending or revoking an alcoholic beverages license for any cause for which the Board is permitted but not required to suspend or revoke a license pursuant to § 10-401 of this article, impose a fine for any such violation, subject to the following conditions:

(i) The Board determines that the public welfare and morals would not be impaired by allowing the licensee to operate during the suspension period and that payment of the fine will achieve the desired disciplinary purposes.

(ii) The fine assessed by the Board under this subsection shall not exceed \$20,000 for each case.

(iii) All moneys collected under this subsection shall be deposited into the general funds of Montgomery County.

(iv) The Board shall have promulgated such rules and regulations as it deems necessary to carry out the purposes of this subsection.

(2) The Board, when it acts to impose a fine on the licensee or to suspend or revoke the license pursuant to the provisions of § 10-401 of this article, shall adopt a written resolution which shall contain a statement of the facts and findings forming the basis for the decision, the vote of each member of the Board on the decision, and information as to the procedures for appealing the decision. A copy of the resolution

shall be mailed or hand delivered to the licensee.

(r) In Prince George's County, for any violation that is cause for suspension or revocation under the alcoholic beverage laws affecting Prince George's County, the Board of License Commissioners:

(1) Instead of or in addition to suspension or revocation of a license, may:

(i) For a first offense:

1. Except as provided in item 2 of this item, impose a fine of not more than \$1,500; or

2. For a violation of § 10–117 of the Criminal Law Article, impose a fine of \$1,500;

(ii) For a second offense in the same 24–month period, impose a fine of not less than \$1,501 and not exceeding \$6,000; and

(iii) For a third offense in the same 24–month period, impose a fine of \$7,500; and

(2) For a fourth offense in the same 24–month period, unless the Board revokes the license, shall suspend the license for 30 days.

(s) (1) In Queen Anne's County, the Board of License Commissioners may impose a fine of not more than \$2,000 or suspend a license or both fine and suspend for any violation that is cause for suspension under the alcoholic beverages laws affecting Queen Anne's County.

(2) These penalties are:

(i) In addition to and not intended to limit other specific or general penalties for the same violation under this article; and

(ii) Intended to be independent of any related court action based on the same violation.

(t) In St. Mary's County:

(1) For any violation of the laws as to licensing the sale of alcoholic beverages, the penalty upon conviction shall be a fine not exceeding \$1,000;

(2) For any violation of the laws as to hours or days for the sale of alcoholic beverages, the violator shall be deemed guilty of a misdemeanor and upon trial and conviction shall be subjected to a fine of not less than \$50 nor more than \$250 or may be confined in the county jail or the House of Correction for not less than sixty days; and

(3) For any licensing violations, the Alcohol Beverage Board may both revoke or suspend an alcoholic beverages license and impose a fine on the licensee.

(u) In Somerset County the Board of License Commissioners may impose a fine of not more than \$4,000 or suspend a license or both for any violation that is cause for suspension under the alcoholic beverage laws affecting Somerset County.

(v) Reserved.

(w) (1) The Board of License Commissioners of Washington County may suspend, impose a fine, or both on any licensee who violates the provisions of this article.

(2) Money shall be paid to the Board.

(3) The fine may not exceed \$2,500.

(4) In reaching a decision as to whether to fine or suspend a licensee, the Board shall consider the following points:

(i) That the public welfare and morals would not be impaired by allowing the licensee to operate during the period set for the suspension; and

(ii) The payment of the sum of money will achieve the desired disciplinary purposes.

(5) The Board may promulgate rules and regulations necessary to carry out the purposes of this subsection.

(x) In Wicomico County the Board of License Commissioners may impose a fine of not more than \$5,000 payable to the local collecting agent or suspend a license or both fine and suspend for any violation that is cause for suspension under the alcoholic beverage laws affecting Wicomico County.

(y) (1) This subsection applies only in Worcester County.

(2) The Board of License Commissioners may impose both a fine of not more than \$4,000 and suspend an alcoholic beverage license, for any violation of the alcoholic beverage laws affecting Worcester County.

(3) All moneys collected under this subsection shall be deposited into the general funds of the county.

§16-508.

(a) This section applies only in Kent County.

(b) A past violation of this article or of any regulations adopted under it shall be expunged by the Board of License Commissioners after 7 years from the date the

violation occurred.

§16-508.1.

(a) This section applies only in Washington County.

(b) A violation of this article or of any regulation adopted under this article shall be expunged by the Board of License Commissioners after 5 years from the date the violation occurred.

§16-509.

A charging document may charge an unlawful sale or disposition of an alcoholic beverage without stating the particular kind of alcoholic beverage. On application by the defendant before trial, the State's Attorney shall give to the defendant a statement of the particular kind of alcoholic beverage.

§16-509.1.

(a) In the 45th Legislative District in Baltimore City, a landlord may not rent out to a holder of a Class A alcoholic beverages license of any type a premises to be used for the sale of alcoholic beverages if the landlord knows or has reason to know that the sale of alcoholic beverages on the premises would violate a provision in this article that requires a minimum distance to be maintained between a licensed premises and a place of worship or school.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

§17-101.

(a) It is the declared policy of the State of Maryland that it is necessary to regulate and control the agreements, franchises and relationships between manufacturers of beer and their distributors for the purpose of fostering and promoting temperance in the consumption thereof, and to promote respect for and obedience to the laws controlling the distribution and sale of beer. It is necessary to accomplish the declared policy in order to eliminate the undue stimulation of sales of beer in this State by manufacturers inducing, coercing, or attempting to induce or coerce, distributors of beer to do acts detrimental to the orderly and lawful distribution thereof by threatened or actual termination of the manufacturer and distributor relationship, directly or indirectly, by the establishment of dual distributors of a brand or brands thereof in a territory presently served by a distributor, or by the sale of the same brand or brands in one territory by more than one franchisee. It is the further declared policy of the State of Maryland that temperance and obedience to the laws controlling the distribution and ultimate sale of beer is promoted by legislation encouraging distributors of beer to make investments in their facilities to serve retail licensees by protecting them against the termination of such distributorships, or other acts described herein, without good cause for such termination or other such

acts. The General Assembly further recognizes the distinction between the nature of the distribution of beer and other alcoholic beverages in that distributors of alcoholic liquors other than beer are franchised by manufacturers to distribute many brands of various kinds of alcoholic beverages and are not as vulnerable to the economic pressures of the manufacturers as are beer distributors, which traditionally handle mainly one, two or three brands of beer in their distributorships.

(b) As used in this title and unless otherwise required by the context:

(1) “Franchise” or “agreement” shall mean one or more of the following:

(i) a commercial relationship between a beer distributor and a beer manufacturer of a definite duration or indefinite duration, which is not required to be evidenced in writing; (ii) a relationship whereby the beer distributor is granted the right to offer and sell the brands of beer offered by the beer manufacturer; (iii) a relationship whereby the beer distributor, as an independent business, constitutes a component of a beer manufacturer’s distribution system; (iv) a relationship whereby the beer distributor’s business is substantially associated with the beer manufacturer’s brand, advertising or other commercial symbol designating the beer manufacturer; (v) a relationship whereby the beer distributor’s business is substantially reliant on the beer manufacturer for the continued supply of beer; and (vi) a written or oral arrangement for a definite or indefinite period whereby a beer manufacturer grants to a beer distributor a license to use a trade name, trademark, service mark, or related characteristic, and in which there is a community of interest in the marketing of goods or services at wholesale, retail, by lease, or otherwise.

(2) “Franchisee” means any beer distributor to whom a franchise or agreement as defined herein is granted or offered or any beer distributor who is a party to a franchise or agreement as defined herein.

(3) “Franchisor” means any beer manufacturer who enters into any franchise or agreement with a beer distributor or any beer manufacturer who is a party to a franchise or agreement as defined herein.

(4) “Beer distributor” shall mean any person importing or causing to be imported into this State, or purchasing or causing to be purchased within this State, any beer for sale or resale to retailers licensed under this article without regard to whether the business of such person is conducted under the terms of a franchise or any other form of an agreement with a beer manufacturer or manufacturers.

(5) “Beer manufacturer” means every brewer, fermenter, processor, bottler or packager of beer located within or without the State of Maryland, or any other person whether located within or without the State of Maryland who enters into a “franchise” or an “agreement” with any beer distributor doing business in the State of Maryland.

(6) “Person” means a natural person, corporation, partnership, trust, agency, or other entity as well as the individual officers, directors and other persons

in active control of the activities of each such entity.

(7) “Territory” or “sales territory” shall mean the area of sales responsibility designated by any agreement or franchise between any franchisee or franchisor for the brand or brands of any franchisor or any beer manufacturer.

§17-102.

No beer manufacturer shall (1) induce or coerce, or attempt to induce or coerce, any beer distributor to accept delivery of any alcoholic beverage, any form of advertisement, or any other commodity, which shall not have been ordered by the beer distributor; (2) induce or coerce, or attempt to induce or coerce, any beer distributor to do any illegal act or thing, or do any other act unfair to the beer distributor, by threatening to cancel, terminate, or refuse to renew any beer franchise existing between a beer manufacturer, or representative thereof, and a beer distributor; (3) fail or refuse to deliver to a beer distributor having a franchise, or agreement, any beer publicly advertised by it or its agents for immediate sale promptly after such beer distributor’s order shall have been received.

§17-103.

(a) This section does not apply to temporary delivery agreements under § 2-208(c)(1)(i)6 of this article regarding beer festivals or wine and beer festivals.

(b) Notwithstanding the terms, provisions or conditions of any agreement or franchise, no franchisor shall cancel, terminate or refuse to continue or renew any beer franchise, or cause a franchisee to resign from a franchise, unless good cause exists for termination, cancellation, nonrenewal, noncontinuation or causing a resignation; provided, that good cause shall exist if a franchisee’s license to do business in the State is revoked under any provisions of this article.

§17-104.

(a) This section does not apply to temporary delivery agreements under § 2-208(c)(1)(i)6 of this article regarding beer festivals or wine and beer festivals.

(b) Except as provided in this section, a beer manufacturer shall provide a franchisee at least 180 days prior written notice of any intent to terminate, cancel or nonrenew any franchise agreement. The notice shall state all the reasons for the intended termination, cancellation, or nonrenewal. The franchisee shall have 180 days in which to rectify any claimed deficiency. If the deficiency shall be rectified within 180 days of notice, then the proposed termination, cancellation or nonrenewal shall be null and void and without legal effect. The notice provisions of this section shall not apply if the reason for termination, cancellation or nonrenewal is insolvency, the occurrence of an assignment for the benefit of creditors, or bankruptcy.

§17–105.

No franchisor, who shall designate a sales territory for which any franchisee shall be primarily responsible or in which any franchisee is required to concentrate its efforts, shall enter into any franchise or agreement with any other beer distributor for the purpose of establishing an additional franchisee for its brand or brands of beer in the territory being primarily served or concentrated upon by a licensed franchisee.

§17–106.

No franchisee who shall be granted a sales territory for which the franchisee shall be primarily responsible or in which the franchisee is required to concentrate its efforts shall make any sale or delivery of beer to any retail licensee whose place of business is not within the territory granted to the franchisee.

§17–107.

Any beer distributor or franchisee may bring an action against a beer manufacturer, franchisor, or franchisee for violation of this subtitle in any court of general jurisdiction in the State of Maryland to recover damages sustained by reason of any violation of this subtitle and, where appropriate, shall be entitled to injunctive relief. The beer distributor or franchisee, if successful, shall also be entitled to the costs of the action including but not limited to reasonable attorney's fees.

§18–101.

(a) The Talbot County Commissioners shall regulate the retail sale of alcoholic beverages within Talbot County.

(b) Any law enacted by the Talbot County Commissioners pursuant to this section shall prevail over any provision of the Code of Public General Laws of Maryland regulating the retail sale of alcoholic beverages. However, unless and until the Talbot County Commissioners enact a law which is contrary to a provision of the Code of Public General Laws regulating the retail sale of alcoholic beverages, the provisions of the Code of Public General Laws shall remain in effect.

§18–102.

(a) The Worcester County Commissioners shall regulate the alcoholic beverages license fees within Worcester County.

(b) Unless otherwise provided by the Worcester County Commissioners, the license fees for Worcester County under this article prevail.

§18–103.

A copy of any legislative enactment concerning alcoholic beverages by the local governing body under the authority of this subtitle shall be sent to the Department of

Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§18–104.

(a) This section does not apply to:

(1) The room of a registered guest in a hotel, motel, or hospice;

(2) The property of a volunteer fire company; or

(3) Any of the following entities in continuous existence in Worcester County since October 1, 1989:

(i) A catering establishment;

(ii) A community or civic association;

(iii) A swim club;

(iv) A bona fide social, civic, nonprofit, charitable, fraternal, patriotic, educational, or public service organization; or

(v) A bona fide religious institution.

(b) In Worcester County, alcoholic beverages may not be brought onto any premises and consumed or transferred except in a manner specifically allowed or provided for in this article.

(c) An owner, operator, manager, or employee of premises subject to this section who allows alcoholic beverages to be consumed in violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for each violation.

(d) The Worcester County Board of License Commissioners shall adopt uniform regulations for implementing this section.

§18–105.

(a) This section applies only in Charles County and St. Mary's County.

(b) The county commissioners may regulate, by ordinance, the consumption of alcoholic beverages on public property, including buildings, grounds, streets, highways, alleys, sidewalks, and other structures or roads located on land in the county owned by the county, the board of education, or the State.

§18–201.

The Dorchester County Dispensary system shall remain in operation until such time as the General Assembly enacts a comprehensive plan of legislation that creates

a rational system of alcoholic beverages licenses for the county.

§19–101.

(a) A person may not:

(1) Be intoxicated and endanger the safety of another person or property;
or

(2) Be intoxicated or drink any alcoholic beverage in a public place and cause a public disturbance.

(b) A county, municipality, or other political subdivision of this State may not adopt ordinances or resolutions identical or supplemental to this section, and any existing ordinance, resolution, or other legislation inconsistent with this section is repealed.

§19–102.

Any person who violates the provisions of this subheading is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 90 days, or both.

§19–103.

(a) The subdivisions enumerated in this subsection may adopt ordinances or resolutions supplementing this subheading. This includes the authority to regulate possession or consumption of any alcoholic beverage on any public property, property used by the public in general, or on any highway:

- (1) Anne Arundel County;
- (2) Baltimore City;
- (3) Baltimore County;
- (4) Caroline County;
- (5) Cecil County;
- (6) Charles County;
- (7) Frederick County;
- (8) Garrett County;
- (9) Harford County;
- (10) Prince George's County; and

(11) St. Mary's County.

(b) This subheading does not apply in the following subdivisions:

(1) Kent County; and

(2) Queen Anne's County.

(c) In the City of Annapolis and the City of Frederick, the Mayor and Aldermen may regulate within the city limits the possession or consumption of any alcoholic beverages on any public property owned by the city or on any public highway.

§19-104.

(a) In this section, "public place" means a parking lot, common area, or general common element in:

(1) A leased residential property, including attached single-family homes or a multifamily dwelling unit;

(2) A condominium; or

(3) A homeowners association.

(b) In addition to other powers granted under this title, the governing body of a municipal corporation may adopt an ordinance or resolution to regulate the possession or consumption of alcoholic beverages in public places located within the boundaries of the municipal corporation.

§19-201.

(a) In this subtitle, "public property" includes any building, ground, park, street, highway, alley, sidewalk, station, terminal or other structure, road or parking area located on land owned, leased, or operated by this State, a county, a municipality, Washington Suburban Sanitary Commission, Maryland-National Capital Park and Planning Commission, Montgomery County Revenue Authority, or Washington Metropolitan Area Transit Authority.

(b) This subtitle does not apply in Kent County and Queen Anne's County.

§19-202.

(a) A person may not drink any alcoholic beverage, as defined in this article, while:

(1) On public property, unless authorized by a governmental entity that has jurisdiction over the property;

(2) On the mall, adjacent parking area, or other outside area of any

combination of privately owned retail establishments, like a shopping center, where the general public is invited for business purposes, unless authorized by the owner of the shopping center;

(3) On an adjacent parking area or other outside area of any other retail establishment, unless authorized by the owner of the establishment; or

(4) In any parked vehicle located on any of the places enumerated in this subsection, unless authorized.

(b) Subsection (a) of this section does not apply to the consumption of alcoholic beverages by passengers in the living quarters of a motor home equipped with a toilet and central heating or the passengers of a chartered bus in transit if the owner or operator has consented to the consumption of the beverages.

§19–203.

As to public property, any local governmental entity that owns or otherwise has jurisdiction over the property may adopt by local law or ordinance, as appropriate, standards providing for the authorization of the consumption of alcoholic beverages, otherwise prohibited by this subtitle, and consistent with the intended use of the property by the general public.

§19–204.

(a) Subject to subsection (b) of this section, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(b) In Prince George’s County, a person who is charged with a misdemeanor under this section shall comply with the command in the charging document to appear in court by appearing in court in person.

§19–301.

(a) (1) This definition applies only in the following jurisdictions:

- (i) Caroline County;
- (ii) Carroll County;
- (iii) Dorchester County;
- (iv) Harford County;
- (v) Montgomery County;
- (vi) Prince George’s County; and
- (vii) Wicomico County.

(2) In this section, “unless authorized” means the possession and presentation of a written consent by the owner of the property.

(b) A person may not possess in an open container any alcoholic beverage, as defined in this article, while:

(1) On the mall, adjacent parking area, or other outside area of any combination of privately owned retail establishments, commonly known as a shopping center, to which the general public is invited for business purposes, unless authorized by the owner of the establishment;

(2) On an adjacent parking area or other outside area of any other retail establishment, unless authorized by the owner of the establishment; or

(3) In any parked vehicle located on any of the places enumerated in this section, unless authorized.

§19–302.

(a) Subject to subsection (b) of this section, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(b) In Prince George’s County, a person who is charged with a misdemeanor under this section shall comply with the command in the charging document to appear in court by appearing in court in person.

§19–303.

This subtitle applies only in the following counties:

(1) Allegany County;

(2) Baltimore County, including motorcycles located on any of the places enumerated in § 19-301 of this subtitle, unless authorized;

(3) Calvert County;

(4) Caroline County;

(5) Carroll County, including motorcycles located on any of the places enumerated in § 19-301 of this subtitle, unless authorized;

(6) Cecil County;

(7) Charles County;

(8) Dorchester County;

(9) Frederick County;

- (10) Garrett County;
- (11) Harford County;
- (12) Howard County;
- (13) Montgomery County;
- (14) Prince George’s County;
- (15) St. Mary’s County;
- (16) Somerset County; and
- (17) Wicomico County.

§20–101.

- (a) (1) In this section, “bottle club” means a premises or establishment that:
 - (i) Is subject to any license issued by the State or Anne Arundel County; and
 - (ii) Serves, gives, dispenses, keeps, or allows to be consumed by a patron alcoholic beverages from supplies that the patron purchased, reserved, or otherwise brought to the premises or establishment.
- (2) “Bottle club” includes a restaurant, hotel, club, room, dance studio, disco, place of public entertainment, or other place open to the public.
- (3) “Bottle club” does not include any establishment for which a license for the premises has been issued under the provisions of this article.
- (b) This section applies only in Anne Arundel County.
- (c) An owner or operator of a bottle club may not:
 - (1) Evade the alcoholic beverages laws in the county, including laws governing the hours of operation; and
 - (2) Sell, give, serve, dispense, keep, or allow to be consumed in the bottle club any alcoholic beverages, setups, or other component parts of mixed alcoholic beverages.
- (d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 2 years or both.

§20–102.

(a) This section applies only in Baltimore City.

(b) Except as provided in subsection (c) of this section, an establishment that is not licensed by the Board of License Commissioners may not give, serve, dispense, keep, or allow to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages.

(c) A restaurant as defined in § 1–102(a)(22)(i) and (ii) of this article that is not licensed by the Board of License Commissioners may allow a patron to consume alcoholic beverages from 6 a.m. to 2 a.m. the following day if:

(1) The alcoholic beverages are brought to the restaurant by the patron;

(2) The alcoholic beverages are consumed with a meal;

(3) There is no charge for admission to the restaurant; and

(4) The Baltimore City Fire Department determines that the maximum seating capacity of the restaurant is 50.

(d) (1) The Baltimore City Police Department may immediately close all operations of an establishment if the Department determines that the establishment is in violation of this section and that the public health, safety, or welfare requires emergency action.

(2) The establishment shall be closed until the Baltimore City Police Department determines that the public health, safety, or welfare has been restored.

(3) The owner or operator of the establishment shall be given an opportunity to request a prompt hearing in circuit court on when the establishment may reopen.

(e) A violation of this section is a misdemeanor, and upon conviction, the court shall impose a fine of up to \$10,000 or imprisonment for up to 2 years, or both.

§20–103.

(a) (1) In this section, “bottle club” means any club that serves, gives, or allows alcoholic beverages to be consumed by patrons after legal closing hours for establishments licensed under § 11-303 of this article from supplies that the patrons previously purchased or reserved.

(2) “Bottle club” does not include any establishment if a license for the premises had been issued under the provisions of this article.

(b) This section applies only in Baltimore County.

(c) A bottle club may not give, serve, dispense, keep, or allow to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages, setups, or other component parts of mixed alcoholic drinks after legal closing hours for establishments under § 11-303 of this article.

(d) A violation of this section is a misdemeanor and a fine of up to \$10,000 or imprisonment for up to 2 years, or both, may be imposed.

§20–103.1.

(a) This section applies only in Calvert County.

(b) In Calvert County, a bottle club is explicitly defined as, and limited to, an establishment that is:

(1) A restaurant that accommodates the public and is equipped with a dining room with facilities for preparing and serving regular meals; or

(2) A nightclub that offers to the public music, dancing, or other nighttime entertainment.

(c) (1) An establishment that is a bottle club and is not licensed by the Board of License Commissioners may not give, serve, dispense, keep, or allow to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages.

(2) A volunteer fire department, rescue squad, or emergency medical services organization may conduct no more than four events each year to which individuals may bring alcoholic beverages to be consumed on the premises or on premises under the control or possession of the volunteer fire department, rescue squad, or emergency medical services organization.

(d) A person that violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 2 years or both.

§20–103.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Place of public entertainment” means a business establishment that does not hold a license under this article and that allows on its premises any form of attire or sexual display prohibited under § 10–405 of this article.

(3) “Setups” includes drinking containers and ice.

(b) This section applies only in Caroline County.

(c) (1) A person may not serve or dispense setups or serve, dispense, keep,

or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of public entertainment.

(2) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow customers to bring alcoholic beverages for consumption into the establishment.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

§20–104.

(a) It shall be unlawful in Cecil County for any “bottle club” as herein defined or other public club, room, or premises which is to be used or is used as a “bottle club” so as to evade the alcoholic beverage license laws or hours of operation, to sell, give, serve, dispense, keep, or allow to be consumed on its premises or on premises under its control or possession any alcoholic beverage, setups, or other component parts of mixed alcoholic drinks.

(b) As used in this subsection, the term “bottle club” shall mean any club which serves, sells, gives, or dispenses alcoholic beverages to its members or guests, or which keeps for its members or guests any alcoholic beverages, or which allows to be consumed on its premises any alcoholic beverages, by its members or guests, which beverages have been reserved or purchased by the members or guests; or any club at which patrons are served, given, or allowed to consume alcoholic beverages after legal closing hours from the supplies that the patrons have previously purchased or reserved; or any club that sells, dispenses, serves, keeps, or allows to be consumed any setups or other component parts of mixed alcoholic drinks to its members or guests.

(c) (1) In Cecil County, any person who operates a business establishment for profit that is not licensed under this article may not knowingly permit customers to bring alcoholic beverages for consumption into an unlicensed building.

(2) A person who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

§20–105.

(a) In this section, “bottle club” means:

(1) Any person, corporation, partnership, club, or organization that:

(i) Offers or provides any form of live entertainment to its members or to the public; and

(ii) 1. Serves, sells, gives, or dispenses alcoholic beverages to its members or guests;

2. Keeps any alcoholic beverages for its members or guests; or
3. Allows members or guests to consume alcoholic beverages on its premises if the members or guests reserved, purchased, or brought the beverages to the premises;

(2) Any club that serves, gives, or allows alcoholic beverages to be consumed by patrons after legal closing hours for establishments licensed under this article from supplies that the patrons previously purchased or reserved; or

(3) Any club that sells, dispenses, serves, keeps, or allows any setups or other components of mixed alcoholic drinks to be consumed by its members or guests with privately obtained alcoholic beverages.

(b) “Bottle club” does not include any establishment if a license for the premises had been issued under the provisions of this article.

(c) This section applies only in Charles County.

(d) A bottle club may not sell, give, serve, dispense, keep, or allow to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages, setups, or other component parts of mixed alcoholic drinks.

(e) The following are exempted from the provisions of subsection (d) of this section so long as live entertainment is not offered or provided on more than 8 days in any calendar month:

- (1) The room of a registered guest in a hotel or motel;
- (2) Property owned by a volunteer fire company;
- (3) Property owned and operated by a community or homeowners association comprised solely of property owners in a single subdivision; or
- (4) Property owned by a bona fide religious institution.

(f) A violation of this section is a misdemeanor and a fine of up to \$10,000 or imprisonment for up to 2 years, or both, may be imposed.

§20–105.1.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Bottle club” means a club, room, or premises:
 - (i) That serves, sells, gives, or dispenses alcoholic beverages to its members or guests;
 - (ii) That keeps for its members or guests any alcoholic beverages;

(iii) That allows to be consumed by its members or guests on its premises any alcoholic beverages that have been reserved or purchased by the members or guests;

(iv) At which patrons are served, given, or allowed to consume alcoholic beverages after legal closing hours from the supplies that the patrons have previously purchased or reserved; or

(v) That sells, dispenses, or serves to, keeps for, or allows to be consumed any setups or other component parts of mixed alcoholic drinks by its members or guests.

(3) “Place of public entertainment” means a business establishment that does not hold a license under this article and that allows on its premises any form of attire or sexual display prohibited under § 10–405 of this article.

(4) “Setups” includes drinking containers and ice.

(b) This section applies only in Dorchester County.

(c) A bottle club may not evade the alcoholic beverage license laws, including those laws relating to hours of operation and the sale, giving, serving, dispensing, keeping, and allowing to be consumed on the premises of the club or on premises under its control or in its possession any alcoholic beverage, setups, or other component parts of mixed alcoholic drinks.

(d) (1) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow customers to bring alcoholic beverages for consumption into an unlicensed building.

(2) A person may not serve or dispense setups or serve, dispense, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of public entertainment.

(e) On the filing of an application for a waiver of this section, the Board of License Commissioners may grant the waiver.

(f) The Board of License Commissioners shall adopt regulations to implement this section.

(g) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

§20–106.

(a) (1) In this section, “bottle club” means any establishment that serves, gives, or allows alcoholic beverages to be consumed by patrons after legal closing

hours for establishments licensed under § 11-303 of this article from supplies that the patrons previously purchased or reserved.

(2) “Bottle club” does not include any establishment if a license for the premises had been issued under the provisions of this article.

(b) This section applies only in Frederick County.

(c) A bottle club may not give, serve, dispense, keep, or allow to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages, setups, or other component parts of mixed alcoholic drinks after legal closing hours for establishments under § 11–303 of this article.

(d) The prohibitions against nudity and sexual displays under § 10-405 of this article apply to bottle clubs.

(e) A violation of this section is a misdemeanor and, on conviction, a fine of up to \$10,000 or imprisonment for up to 2 years or both may be imposed.

§20–107.

(a) This section applies only in Howard County.

(b) (1) In this section the following words have the meanings indicated.

(2) “Place of public entertainment” means a business establishment that:

(i) Does not have a license to sell alcoholic beverages but to which patrons bring alcoholic beverages the patrons have purchased elsewhere; and

(ii) Allows on its premises any activity prohibited under § 10–405 of this article.

(3) “Setups” includes drinking containers and ice.

(c) Any person who dispenses or serves food, beverages, or setups in a place of public entertainment or any person who is responsible for the supervision or management of a place of public entertainment shall:

(1) Receive alcohol awareness training as specified by § 13-101 of this article; and

(2) Refuse to facilitate in any way the continued consumption of alcoholic beverages by any patron who appears to be inebriated.

(d) The hours and days during which a place of public entertainment may be open for business are:

(1) Except as provided in item (2) of this subsection, 6 days per week

Monday through Saturday; and

(2) From 11:30 a.m. each day until 1:30 a.m. the next day.

(e) (1) A person who violates a provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 for each violation.

(2) Each day of operation in violation of this section is a separate offense.

§20–107.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Place of public entertainment” means a business establishment that does not hold a license under this article and that allows on its premises any form of attire or sexual display prohibited under § 10–405 of this article.

(3) “Setups” includes drinking containers and ice.

(b) This section applies only in Kent County.

(c) (1) A person may not serve or dispense setups or serve, dispense, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of public entertainment.

(2) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow customers to bring alcoholic beverages for consumption into the establishment.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

§20–108.

(a) As used in this section, the term “bottle club” shall mean any club which serves, sells, gives or dispenses alcoholic beverages to its members or guests, or which keeps for its members or guests any alcoholic beverages, or which allows to be consumed on its premises any alcoholic beverages, by its members or guests, which beverages have been reserved or purchased by the members or guests; or any club at which patrons are served, given, or allowed to consume alcoholic beverages after legal closing hours from the supplies that the patrons have previously purchased or reserved; or any club that sells, dispenses, serves, keeps, or allows to be consumed any setups or other component parts of mixed alcoholic drinks to its members or guests.

(b) It shall be unlawful in Montgomery County for any “bottle club” as herein defined or other public club, room, or premises which is to be used or is used as a “bottle

club” so as to evade the alcoholic beverage license laws or hours of operation, to sell, give, serve, dispense, keep or allow to be consumed on its premises or on premises under its control or possession any alcoholic beverage, setups, or other component parts of mixed alcoholic drinks.

§20–108.1.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Bottle club” means a premises or establishment that:

1. Is subject to any license issued by the State or Prince George’s County; and

2. A. Serves, gives, dispenses, keeps, or allows to be consumed by a patron alcoholic beverages from supplies that the patron purchased, reserved, or otherwise brought to the premises or establishment; or

B. Serves, gives, dispenses, or allows to be consumed by a patron paying admission alcoholic beverages from supplies purchased or otherwise brought to the premises or establishment by an owner or operator or an agent of an owner or operator.

(ii) “Bottle club” includes a restaurant, hotel, club, room, dance studio, disco, place of public entertainment, or other place open to the public.

(iii) “Bottle club” does not include any establishment for which a license for the premises has been issued under the provisions of this article.

(3) “Place of public entertainment” means a business establishment that does not hold a license under this article and that allows on its premises any form of attire or sexual display prohibited under § 10–405 of this article.

(4) “Setups” includes drinking containers and ice.

(b) This section applies only in Prince George’s County.

(c) (1) A person may not serve or dispense setups or serve, dispense, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of public entertainment.

(2) An owner or operator of a bottle club may not:

(i) Evade the alcoholic beverage license laws in the county, including laws governing the hours of operation; and

(ii) Sell, give, serve, dispense, keep, or allow to be consumed in the bottle club any alcoholic beverage, setups, or other component parts of mixed alcoholic

drinks.

(d) (1) The Board or an inspector of the Board may order that a bottle club be closed immediately if the Board or the inspector determines that the public health, safety, or welfare requires emergency action.

(2) If an immediate closure is ordered, the Board or the inspector who ordered the closure shall give the owner or operator of the bottle club:

(i) Written notice of and the reasons for the closure; and

(ii) Written notice of a hearing on the closure at which the owner or operator may be heard and present evidence.

(3) The Board shall hold the hearing within 3 business days after the closure.

(4) (i) At the hearing, the Board shall determine whether the threat to the public health, safety, or welfare causing the closure continues to exist.

(ii) Subject to subparagraph (iii) of this paragraph, if the Board determines under subparagraph (i) of this paragraph that the threat continues, the Board may:

1. Order the permanent closure of the bottle club; or

2. Impose conditions under which the bottle club may reopen.

(iii) The Board shall order the bottle club to be permanently closed if:

1. The closure under paragraph (1) of this subsection for which the hearing is being held is the third closure in a 2-year period; and

2. The previous two closures under paragraph (1) of this subsection were not overturned by the Board or on judicial review.

(5) The Board may impose a fine of not more than \$12,500 per violation on a person who the Board finds has violated this section.

(6) The Board shall issue a decision within 3 business days after a hearing is held under paragraph (4) of this subsection.

(7) An owner or operator who is aggrieved by a decision of the Board may petition for judicial review to a circuit court.

(e) In addition to any other penalty authorized by law, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

§20–108.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Place of public entertainment” means a business establishment that does not hold a license under this article and that allows on its premises any form of attire or sexual display prohibited under § 10–405 of this article.

(3) “Setups” includes drinking containers and ice.

(b) This section applies only in Queen Anne’s County.

(c) (1) A person may not serve or dispense setups or serve, dispense, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of public entertainment.

(2) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow customers to bring alcoholic beverages for consumption into the establishment.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

§20–109.

(a) It shall be unlawful in St. Mary’s County for any “bottle club”, as defined in subsection (b) of this section, or other public club, room, or premises which is to be used or is used as a “bottle club” to evade the alcoholic beverage license laws, including those laws relating to hours of operation and the sale, giving, serving, dispensing, keeping, and allowing to be consumed on the club’s premises or on premises under its control or in its possession any alcoholic beverage, setups, or other component parts of mixed alcoholic drinks.

(b) As used in this section, “bottle club” means any club:

(1) That serves, sells, gives, or dispenses alcoholic beverages to its members or guests;

(2) That keeps for its members or guests any alcoholic beverages;

(3) Allows to be consumed by its members or guests on its premises any alcoholic beverages that have been reserved or purchased by the members or guests;

(4) At which patrons are served, given, or allowed to consume alcoholic beverages after legal closing hours from the supplies that the patrons have previously purchased or reserved; or

(5) That sells, dispenses, serves, keeps, or allows to be consumed any setups or other component parts of mixed alcoholic drinks to its members or guests.

(c) (1) In St. Mary's County, any person who operates a business establishment for profit that is not licensed under this article may not knowingly permit customers to bring alcoholic beverages for consumption into an unlicensed building.

(2) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

§20–110.

(a) (1) In this section the following words have the meanings indicated.

(2) "Place of public entertainment" means a business establishment that does not hold a license under this article and that allows on its premises any form of attire or sexual display prohibited under § 10–405 of this article.

(3) "Setups" includes drinking containers and ice.

(b) This section applies only in Somerset County.

(c) (1) A person may not serve or dispense setups or serve, dispense, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of public entertainment.

(2) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow customers to bring alcoholic beverages for consumption into the establishment.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

§20–111.

(a) (1) In this section the following words have the meanings indicated.

(2) "Place of public entertainment" means a business establishment that does not hold a license under this article and that allows on its premises any form of attire or sexual display prohibited under § 10–405 of this article.

(3) "Setups" includes drinking containers and ice.

(b) This section applies only in Talbot County.

(c) (1) A person may not serve or dispense setups or serve, dispense, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed

alcoholic drinks in a place of public entertainment.

(2) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow customers to bring alcoholic beverages for consumption into the establishment.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

§20–112.

(a) (1) In this section the following words have the meanings indicated.

(2) “Place of public entertainment” means a business establishment that does not hold a license under this article and that allows on its premises any form of attire or sexual display prohibited under § 10–405 of this article.

(3) “Setups” includes drinking containers and ice.

(b) This section applies only in Wicomico County.

(c) (1) A person may not serve or dispense setups or serve, dispense, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of public entertainment.

(2) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow customers to bring alcoholic beverages for consumption into the establishment.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

§20–113.

(a) (1) In this section the following words have the meanings indicated.

(2) “Place of public entertainment” means a business establishment that does not hold a license under this article and that allows on its premises any form of attire or sexual display prohibited under § 10–405 of this article.

(3) “Setups” includes drinking containers and ice.

(b) This section applies only in Worcester County.

(c) (1) A person may not serve or dispense setups or serve, dispense, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of public entertainment.

(2) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow customers to bring alcoholic beverages for consumption into the establishment.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

§21-101.

A person may not be prohibited from selling or delivering to wholesalers or retail dealers within the State beer in the following container sizes:

- (1) 6.33, 7, 8, 10, 11, 11.39, 11.5, 12, 16, 24, 25, 32, or 40 ounces;
- (2) 740 milliliters;
- (3) 1, 2.25, 3.875, 5.167, 7.75, 13.209, 13.5, 15, or 15.5 gallons; and
- (4) 5, 50, or 51 liters.

§21-102.

(a) (1) A person may not sell or offer for sale at retail in this State any metal beer, wine, or other alcoholic beverages container or any composite beer, wine, or other alcoholic beverages container that is designed and constructed with an all metal tab opening device that detaches from the container when the container is opened in a manner which is normally used to empty the contents of the container.

(2) The provisions of this subsection do not prohibit the sale or offer for sale of:

(i) A beverage container sealed with a laminated tape seal, even if the seal contains aluminum foil, if the seal is not rigid;

(ii) Frozen beverage concentrates in all metal containers with detachable metal pull tabs customarily and primarily purchased for dilution and use within the home, or for similar purposes; and

(iii) Metal beverage containers with pull tabs for milk-based products, soy-based products, or similar products which require sterilization and pressure in the canning process.

(b) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment in jail not exceeding 90 days or both.

§21–103.

(a) (1) In this section the following words have the meanings indicated.

(2) “Agreement” means oral or written evidence between a beer manufacturer and beer distributor where the distributor is granted the right to offer and sell the brands of beer offered by the beer manufacturer.

(3) “Beer manufacturer” means every brewer, fermenter, processor, bottler or packager of beer located within or without the State of Maryland, or any other person whether located within or without the State of Maryland who enters into an “agreement” with any beer distributor doing business in the State of Maryland.

(4) “Fair market value” means the price at which an asset would change hands between a willing seller and a willing buyer when neither is acting under any compulsion and when both have knowledge of all of the relevant facts.

(5) “Successor beer manufacturer” includes a person or licensee who replaces a beer manufacturer with the right to sell, distribute, or import a brand of beer.

(b) Except for the discontinuance of a brand of beer or for good cause shown as provided under § 17–103 of this article, a successor beer manufacturer that continues in the business is obligated under the agreement that was made between the previous beer manufacturer and the surviving beer distributor under all the terms and conditions of that agreement that were in effect on the date of change of beer manufacturers.

(c) A successor beer manufacturer who terminates any of the agreement provisions required to be continued under subsection (b) of this section shall remunerate the beer distributor a sum equal to the fair market value for the sale of the subject brand or brands of beer calculated from the date of termination.

(d) (1) Before a successor beer manufacturer may terminate any of the agreement provisions required to be continued under subsection (b) of this section and designate another beer distributor, the successor beer manufacturer shall give notice of termination to the surviving beer distributor.

(2) On receipt of the notice, the surviving beer distributor and the designated beer distributor shall negotiate in good faith to determine the fair market value of the affected distribution rights.

(3) If an agreement is reached, the designated beer distributor shall promptly pay the fair market value as compensation to the surviving beer distributor.

(4) If an agreement is not reached within 30 days after the surviving beer distributor receives notice, the designated beer distributor and the surviving beer distributor shall enter into nonbinding mediation with a Maryland mediator who practices in accordance with Title 17 of the Maryland Rules.

(5) If an agreement is not reached within 45 days after mediation begins, the surviving beer distributor shall bring an action within 90 days in a court of general jurisdiction in the State against a successor beer manufacturer to determine and award fair market value of the terminated brand or brands.

(e) Until resolution regarding fair market value is reached under subsection (d) of this section and the surviving beer distributor has received payment in accordance with the determination of fair market value:

(1) The surviving beer distributor and the successor beer manufacturer shall support the brand to at least the same extent that the brand had been previously supported immediately before the successor beer manufacturer acquired rights to the brand; and

(2) The surviving beer distributor shall continue to distribute the brand.

§21–104.

(a) Any person who supplies or sells beer to a wholesaler for resale to retail dealers shall provide the wholesaler with written information stating the approximate percentage of alcohol content by volume per sealed package or sealed container for each brand of beer supplied or sold to that wholesaler.

(b) A beer wholesaler shall give each beer retail dealer with whom it does business the written information it receives under subsection (a) of this section regarding the beer supplied to the retail dealer.

(c) The penalty provisions under § 16-503 or § 16-507 of this article do not apply to violations of this section.

§21–105.

(a) This section applies only in Baltimore City.

(b) In this section, “publicly visible locations” include outdoor billboards, sides of buildings, and freestanding signboards.

(c) (1) The Mayor and City Council of Baltimore may adopt an ordinance restricting the placement of signs, posters, placards, devices, graphic displays, or any other forms of advertising or on the sides of the building of the licensed premises that advertise alcoholic beverages in publicly visible locations if:

(i) The ordinance is necessary for the promotion of the welfare and temperance of minors exposed to advertisements for alcoholic beverages placed in publicly visible locations; and

(ii) The restrictions do not unduly burden legitimate business activities of persons licensed under this article to sell alcoholic beverages on a retail

basis.

(2) The ordinance adopted by the Mayor and City Council of Baltimore City may not restrict:

(i) The placement of signs, including advertisements:

1. Inside licensed premises;

2. On commercial vehicles used for transporting alcoholic beverages; or

3. In conjunction with a 1-day alcoholic beverages license or a temporary license granted by the Board of License Commissioners;

(ii) Any sign that contains the name or slogan of the licensed premises that has been placed for the purpose of identifying the licensed premises;

(iii) Except for billboards and freestanding signboards, any sign for which zoning board approval or a minor privilege permit is required;

(iv) Any sign that contains a generic description of beer, wine, liquor, or spirits, or any other generic description of alcoholic beverages;

(v) Any neon or electrically charged sign on licensed premises that is provided as part of a promotion of a particular brand of alcoholic beverage;

(vi) Any sign on an MTA vehicle or a taxicab;

(vii) Any sign on property owned, leased, or operated by the Maryland Stadium Authority;

(viii) Any sign at Memorial Stadium;

(ix) Any sign at a facility that operates in accordance with a license issued under § 11-304 of the Business Regulation Article; or

(x) Any sign on property adjacent to an interstate highway.

(d) (1) (i) In this subsection, “advertise falsely” means to use any advertisement that is untrue, deceptive, or misleading in a material respect.

(ii) “Advertise falsely” includes the use and placement of an advertisement by a person on the Internet that contains an affirmative representation that an alcoholic beverages licensee may offer for sale a container of alcoholic beverages that the licensee is not authorized to sell.

(2) An alcoholic beverages licensee may not advertise falsely in the conduct of any business.

(3) The Board of License Commissioners shall enforce this subsection.

(e) A person who violates the provisions of this section is guilty of a misdemeanor and may be fined no more than \$1,000.

§21-106.

(a) (1) In this section the following words have the meanings indicated.

(2) “Keg” means a container of beer with a capacity of at least 4 gallons, which is designed to dispense beer directly from the container.

(3) “Keg licensee” means a person that holds an alcoholic beverages license that authorizes that person to sell beer in kegs at retail.

(b) A keg licensee may not sell or otherwise transfer, or offer to sell or otherwise transfer the contents of a keg for consumption off-premises unless:

(1) The keg licensee provides to the purchaser a keg registration form approved and distributed by the State Comptroller that is designed to be affixed to the keg and that indicates the name and address of the licensed establishment and a registration number;

(2) Except as provided in subsection (c) of this section, the purchaser provides identification and completes and signs a registration form with the following information:

(i) The purchaser’s name and address as shown on the identification produced; and

(ii) The date of purchase; and

(3) The keg licensee affixes the completed registration form to the keg and retains a copy of the form for 30 days on the licensed premises.

(c) (1) In this subsection, “Identification number” means the identifying number:

(i) On the purchaser’s driver’s license;

(ii) If the purchaser is a resident of the State, on the purchaser’s identification card as provided for in the Transportation Article;

(iii) If the purchaser is not a resident of the State, on the purchaser’s identification card that is issued by the purchaser’s home state or jurisdiction; or

(iv) The identification number on a United States military identification card.

(2) In Prince George's County:

(i) The keg licensee shall complete a registration form with:

1. The purchaser's name;

2. The date of purchase; and

3. The address of the purchaser as shown on the identification produced or, if the person provides a United States military identification card as identification, the address that the purchaser provides;

(ii) The purchaser shall sign the completed registration form; and

(iii) The keg licensee shall record on the copy of the registration form retained by the keg licensee the purchaser's identification number and the date that the purchaser's identification was issued.

(d) (1) Upon return of a registered keg from the purchaser, the keg licensee shall remove or obliterate the keg registration form affixed to the keg and note that removal and the date of that removal on the copy of the keg registration form retained by the keg licensee at the licensed premises.

(2) (i) If a keg is made of disposable packaging that does not have to be returned to the keg licensee, the keg licensee shall indicate on the keg registration form that the keg is disposable.

(ii) Disposal of empty kegs made of disposable packaging does not constitute obliteration of the keg registration form.

(e) Each board of license commissioners or, if there is no board of license commissioners in that county, the liquor control board shall adopt regulations to implement this section.

(f) A keg licensee may charge a keg registration fee to a purchaser.

(g) (1) A keg licensee who violates any provision of this section is subject to a fine not exceeding \$100 or a suspension or revocation of the alcoholic beverages license, or both fine and suspension or revocation.

(2) The existence of a completed registration form signed by the purchaser shall create a presumption that the keg licensee has complied with the requirements of this section.

§21-107.

(a) This section governs the standards for and use of containers that may be sold, filled, and refilled under the authority of a refillable container permit issued under

this article.

(b) To be used as a refillable container for beer under the authority of a refillable container permit issued under this article, a container shall:

(1) Have a capacity of not less than 32 ounces and not more than 128 ounces;

(2) Be sealable;

(3) Be branded with an identifying mark of the seller of the container;

(4) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(5) Display instructions for cleaning the container; and

(6) Bear a label stating that:

(i) Cleaning the container is the responsibility of the consumer; and

(ii) The contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.

(c) To be used as a refillable container for wine under the authority of a refillable container permit issued under this article, a container shall:

(1) Have a capacity of not less than 17 ounces and not more than 34 ounces;

(2) Be sealable;

(3) Be branded with an identifying mark of the seller of the container;

(4) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(5) Display instructions for cleaning the container; and

(6) Bear a label stating that cleaning the container is the responsibility of the consumer.

(d) The Comptroller may adopt standards on containers that qualify for use under this section as refillable containers for beer and for wine, respectively, including containers originating from outside the State.

(e) Notwithstanding any other provision of this article, the holder of a refillable container permit issued under this article may refill a refillable container originating from inside or outside the State that meets standards adopted by the Comptroller under this section for a beer container or a wine container, as appropriate.

§22-101.

(a) A person may not manufacture, sell or offer for sale, or order or allow an employee or other person to sell or offer for sale either at wholesale or retail any malt extract, beer, porter, ale, or stout unless it has been brewed and fermented as such.

(b) A person may not sell or offer for sale, or order or allow an employee or other person to sell or offer for sale:

(1) Beer to which coloring matter or portantine has been added representing the beer to be malt extract or porter or another beverage; or

(2) Any malt or liquor other than by its proper name.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.